1	Page 1		Page 2
	IN THE UNITED STATES DISTRICT COURT	1	January 17, 2019
	FOR THE NORTHERN DISTRICT OF OHIO	2	9:06 a.m.
	EASTERN DIVISION	3	7.00 dilli
	X	4	Videotaped deposition of PURDUE PHARMA,
	IN RE: NATIONAL PRESCRIPTION MDL No 2804	5	through its representative, THOMAS P.
	OPIATE LITIGATION,	6	NAPOLI, held at the offices of LIEFF
	Case No 17-MD-2804	7	CABRASER HEIMANN & BERNSTEIN LLP, 250
	This document relates to: All Cases Hon Dan A Polster	8	Hudson Street, New York, New York, pursuant
	All Cases Holl Dall A Poister	9	to Notice, before Annette Arlequin, a
	Α	10	Certified Court Reporter, a Registered
	* * HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER * *	11	Professional Reporter, a Realtime Systems
	**CONFIDENTIALITY REVIEW **	12	Administrator, a Certified Realtime
	VIDEOTAPED DEPOSITION	13	
	OF		Reporter, and a Notary Public of the State
	THOMAS P NAPOLI	14	of New York and New Jersey.
	New York, New York	15	
	Thursday, January 17, 2019	16	
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		20	
		21	
	Reported by:	22	
	ANNETTE ARLEQUIN, CCR, RPR, CRR, RSA	23	
		24	
	Page 3		Page 4
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	Page 5		Page 6
1	APPEARANCES(CONT'D.):	1	APPEARANCES(CONT'D.):
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19	(1 electricite methet reatine)	19	ALSO PRESENT:
20		20	1122 9 1112321 11
21		21	ERIK DAVIDSON, Videographer
22		22	22111 211 12 2 2 1 1, 1 1 2 2 2 1 1, 1 1 2 2 2 1 1, 1 1 2 2 2 1 1, 1 1 2 2 2 1 1, 1 2 2 2 2
23		23	
24		24	
	Page 7		Page 8
1	IT IS HEREBY STIPULATED AND AGREED by	1	THE VIDEOGRAPHER: We are now on the
2	and between the attorneys for the	2	record. My name is Eric Davidson. I am
3	respective parties herein, that filing and	3	videographer for Golkow Litigation
4	sealing be and the same are hereby waived;	4	Services.
5	IT IS FURTHER STIPULATED AND AGREED	5	Today's date is January 17, 2019, and
6	that all objections, except as to the form	6	the time is approximately 9:06 a m.
7	of the question, shall be reserved to the	7	This video deposition is being held
8	time of the trial;	8	in 250 Hudson Street, 8th Floor, New York,
9	IT IS FURTHER STIPULATED AND AGREED	9	New York, in the matters of National
10	that the within deposition may be sworn to	10	Prescription Opiate Litigation for the
11	and signed before any officer authorized to	11	United States District Court Northern
12	administer an oath, with the same force and	12	District of Ohio.
13	effect as if signed and sworn to before the	13	The deponent is Tom Napoli.
14	Court.	14	Please note counsel will be noted on
15		15	the stenographic record.
16	- o0o -	16	The court reporter may now swear in
17		17	the witness.
18		18	
19		19	* * *
20		20	THOMAS P. NAPOLI, called as a
21		21	witness, having been duly sworn by a
22		22	Notary Public, was examined and testified
23		23	as follows:
24		24	THE WITNESS: I do.

	Page 9		Page 10
1	Thomas Patrick Napoli.	1	A. Sure.
2	EXAMINATION BY	2	
3	MR. EGLER:	3	
4	Q. Mr. Napoli, thanks for coming in	4	Q. Tell me what your work address is
5	today.	5	currently.
6	Do you understand that you're under	6	A. It's 900 Danbury Road, Richfield,
7	oath?	7	Connecticut.
8	A. Yes, sir.	8	Q. So today we're going to be talking
9	Q. And when you say you're under oath,	9	mostly about your time at a company called
10	what does that mean to you?	10	Watson and then its successors.
11	A. It means I have an obligation to tell	11	I guess, starting out, you graduated
12	the truth and the whole truth.	12	from Rutgers; is that right?
13	Q. And do you have an understanding that	13	A. Yes, sir.
14	the testimony you give today can be used in a	14	Q. What year was that?
15	court of law and even at trial under some	15	A. '92.
16	circumstances?	16	Q. After graduating from Rutgers, what
17	A. Yes, sir.	17	did you do?
18	Q. Okay. And as you sit here today, do	18	A. When I graduated during my time at
19	you have any conditions or have you taken any	19	Rutgers, I graduated with a degree in
20	medications that could affect your memory or	20	administration of justice. I come from a large
21	ability to testify?	21	police family, and I was probably going to go
22	A. No, sir.	22	into the family business. But while during
23	Q. So can you tell me what your home	23	my time at Rutgers, being in New Brunswick, New
24	address is?	24	Jersey, I had an opportunity to have an
	Page 11		Page 12
1	internship with Johnson & Johnson within their	1	took a position as a security program manager
2	corporate security department. And I had some	2	for a classified naval weapon systems programs.
3	outstanding mentorship there. And when I	3	Q. And then at some point, did you leave
4	graduated, had the opportunity to be a security	4	Lockheed Martin?
5	manager for one of their operating facilities in	5	A. I did.
6	Titusville, West Trenton, New Jersey, Janssen	6	Q. Where did you go?
7	Pharmaceuticals. It was a headquarters	7	A. I went to Watson Pharmaceuticals in
8	location. And	8	2002.
9	Q. For how long did you work at Johnson	9	Q. So at Watson, where when you
10	& Johnson?	10	started at Watson, where did you work?
11	A. Seven years.	11	A. I worked I was hired as the
12	Q. So when you left Janssen, what as	12	manager of security for we had a
13	you think of it, what was your job title?	13	manufacturing facility in Carmel, New York,
14	A. When I was at Janssen, I was a	14	which is in Putnam County. And we had a
15	security manager.	15	distribution center in Brewster, New York, as
16	Q. When you were security manager there,	16	well as a small research and manufacturing
17	did you work with controlled substances?	17	facility in Danbury, Connecticut. They were all
18	A. No, sir. It was a corporate	18	in close proximity to each other.
19	environment.	19	Q. Did you split your time among those
20	Q. So moving on from Janssen, where did	20	three locations?
21	you go next?	21	A. Yes.
	A. I went on to I went on to take an	22	Q. And, subsequently, did you take a
22			1.00
23	opportunity with Lockheed Martin, a large	23	different position at Watson?
		23 24	different position at Watson? A. I did. I did. Well, as I as

Page 13 Page 14 1 during my time with those facilities, I 1 doing a good job, a very good job with the 2 2 eventually took on the responsibility for program and having a good relationship with DEA 3 3 controlled substance compliance within an and having a high-functioning program, they 4 operational setting. So, so we did manufacture 4 asked me to take on responsibility for a larger 5 controlled substances at the manufacturing site. 5 role of DEA compliance at their headquarters 6 And then eventually -- after seven 6 location. 7 7 years in that position, there was a Q. All right. So as we're going through 8 8 consolidation within the organization, so we today, the court reporter is going to type down 9 were transitioning, closing the facilities that 9 everything that you say. 10 I was supporting, moving some of our easier to 10 A. Sure. 11 replicate products and Schedule III through V 11 Q. And so if we have a complicated word 12 substances to a facility in India and also some 12 or if we have a long statement, I want you to 13 Schedule II products to our Corona facility in 13 speak freely, but if you can pace yourself just 14 California. And our distribution center was 14 so we make sure we get a good record. 15 folded into our distribution center in the 15 A. Sure, sure. 16 Chicago area based -- after the consolidation, I 16 Q. So as you think about the time where 17 took a position in Morristown, New Jersey, at 17 you moved to New Jersey, about what time frame 18 our corporate headquarters, where I was a -- the 18 was that? 19 -- had made an organizational decision to fold 19 A. 2009. 20 the DEA compliance function from -- transition 20 Q. And when you moved to New Jersey, as 21 that from quality into the operations group 21 you think of it, what was -- do you remember 22 because of the synergies of -- with security --22 what your job title was? 23 with security and the DEA regulations, because 23 A. Manager of security and controlled 24 of my background with DEA compliance and really 24 substance compliance, I believe, or something to Page 15 Page 16 1 1 that -oversee the security group in Corona, 2 2 California? Q. Okay. And you had mentioned that the 3 Schedule III through V drugs that Watson made 3 A. No. I was part of a structure where 4 had been -- let me start over. 4 there was a global executive director of 5 5 You had mentioned that the security and DEA affairs. I was a manager -- I 6 manufacturing center for the Schedule III 6 had regional responsibility in that I ensured 7 7 through V controlled substance drugs that Watson that there was security controls in place that 8 made had been moved to India. 8 were in compliance with the DEA requirements. 9 A. Some of the easier to replicate, like 9 But each site had a responsible security manager 10 single-entity products, immediate-release 10 responsible for their operations. 11 products. Some of the more technological, you 11 Q. As you think of it, when you started 12 know, controlled, sustained-release products, 12 working for Watson in New Jersey, do you 13 those probably wouldn't go over, but... 13 remember who was head of security in Corona, 14 Q. Do you remember whether -- well, let 14 15 15 me start over. A. At that time, it was Eric Nibergall. Do you remember where Watson's 16 16 Can you spell his last name? 17 Schedule II controlled substances were 17 A. N-i-b-e-r-g-a-l-l. manufactured, if anywhere? 18 Q. At any point while you were working 18 19 A. Corona, California, would have been 19 at Watson or Actavis, did that position change hands did somebody replace Mr. Nibergall? 20 one of the prime locations. 20 21 Q. As part of your job, did you -- let 21 Yes, yes. 22 22 Who replaced him? me start over. 23 In 2009, as part of your job, were 23 Scott Soltis, S-o-l-t-i-s. 24 you the head of security group for or did you 24 And then did anybody replace

	Page 17		Page 18
1	Mr. Soltis?	1	taking their name. And that was because of I
2	A. Not during my tenure.	2	think one of the reasons for the acquisition was
3	Q. All right. So today we're going to	3	to have a more global presence. And Actavis had
4	talk about well, let's keep going.	4	an established international presence under that
5	You worked at Watson in New Jersey	5	name.
6	starting, I think you said, in 2009?	6	Q. So when Watson bought Actavis, as you
7	A. Um-hmm.	7	think of it
8	Q. And then at any point, did you, did	8	A. Um-hmm.
9	your position change at Watson?	9	Q did your duties expand at all?
10	A. I eventually went, moved from a	10	A. In the respect that we were bringing
11	manager position to associate director, but a	11	on additional manufacturing facilities and some,
12	lot of the same responsibilities.	12	some new controlled products, so, yes.
13	Q. And about when was that?	13	
14	A. 2013. Just speculating there.		Q. And then at some point after that
15	Q. And then did your job change at	14	acquisition closed, did you well, did your
	Watson after then?	15	job title change?
16 17	A. No.	16	A. No.
		17	Q. Did you leave what was then called
18	Q. And then at some point, Watson	18	Actavis at some point?
19	changed its name; is that right?	19	A. I did.
20	A. Right.	20	Q. When did you leave?
21	Q. What did it change its name to?	21	A. I left 2015 2016. I was part
22	A. On October 31st of 2012, Watson	22	of when Teva acquired Actavis, they had
23	acquired Actavis Pharmaceuticals and took the	23	already had a robust DEA compliance program and
24	unprecedented step of acquiring the company but	24	staff, so we were a synergy target. So
	Page 19		Page 20
1	essentially I helped them through the transition	1	management for the United States region.
2	and then I was part of the reduction of force.	2	Q. Is Boehringer-Ingelheim based in the
3	Q. And then between well, where do	3	United States?
4	you work now?	4	A. We have a U.S. headquarters in
5	A. I work for Boehringer-Ingelheim.	5	Ridgefield, Connecticut, but our corporate
6	Q. All right. So you have to spell	6	headquarters is Ingelheim, Germany.
7	those two words	7	Q. With regard to Boehringer-Ingelheim,
8	A. Oh, boy.	8	1 1 0 1 1 1 7
_	•		do they manufacture or market any Schedule II
9	Q because I think they're German.	9	do they manufacture or market any Schedule II controlled substance?
	Q because I think they're German.A. We just call them BI, but	9 10	
9			controlled substance?
9 10	A. We just call them BI, but	10	controlled substance? A. No, sir, no controlled drugs in the
9 10 11	A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m.	10 11	controlled substance? A. No, sir, no controlled drugs in the portfolio.
9 10 11 12	A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m. Q. And what is Boehringer-Ingelheim?	10 11 12	controlled substance? A. No, sir, no controlled drugs in the portfolio. Q. So as we move on today, we're going
9 10 11 12 13	 A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m. Q. And what is Boehringer-Ingelheim? A. Boehringer-Ingelheim is a large, private, still family-owned by the Boehringer 	10 11 12 13	controlled substance? A. No, sir, no controlled drugs in the portfolio. Q. So as we move on today, we're going to be talking about some terms and names. I
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9 10 11 12 13 14 15 16 17 18	A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m. Q. And what is Boehringer-Ingelheim? A. Boehringer-Ingelheim is a large, private, still family-owned by the Boehringer family pharmaceutical company specializing in human pharma, as well as animal health. Q. You said human pharma. What does that mean? A. Human pharma, so products that are	10 11 12 13 14 15 16 17 18 19	controlled substance? A. No, sir, no controlled drugs in the portfolio. Q. So as we move on today, we're going to be talking about some terms and names. I just want to go through them with you initially so we can get a common understanding. A. Sure. Q. One of the terms that's going to come up today is "Suspicious Order Monitoring" or "SOM" or "SOMS."
9 10 11 12 13 14 15 16 17 18 19 20	A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m. Q. And what is Boehringer-Ingelheim? A. Boehringer-Ingelheim is a large, private, still family-owned by the Boehringer family pharmaceutical company specializing in human pharma, as well as animal health. Q. You said human pharma. What does that mean? A. Human pharma, so products that are taken by humans.	10 11 12 13 14 15 16 17 18 19 20	controlled substance? A. No, sir, no controlled drugs in the portfolio. Q. So as we move on today, we're going to be talking about some terms and names. I just want to go through them with you initially so we can get a common understanding. A. Sure. Q. One of the terms that's going to come up today is "Suspicious Order Monitoring" or "SOM" or "SOMS." What does that mean to you?
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9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m. Q. And what is Boehringer-Ingelheim? A. Boehringer-Ingelheim is a large, private, still family-owned by the Boehringer family pharmaceutical company specializing in human pharma, as well as animal health. Q. You said human pharma. What does that mean? A. Human pharma, so products that are taken by humans. Q. Oh, as opposed to animal health? A. Correct.	10 11 12 13 14 15 16 17 18 19 20 21 22	controlled substance? A. No, sir, no controlled drugs in the portfolio. Q. So as we move on today, we're going to be talking about some terms and names. I just want to go through them with you initially so we can get a common understanding. A. Sure. Q. One of the terms that's going to come up today is "Suspicious Order Monitoring" or "SOM" or "SOMS." What does that mean to you? A. Suspicious Order Monitoring is a, to me, it's a holistic program that is mandated
9 10 11 12 13 14 15 16 17 18 19 20 21	A. We just call them BI, but B-o-e-h-r-i-n-g-e-r, hyphen, I-n-g-e-l-h-e-i-m. Q. And what is Boehringer-Ingelheim? A. Boehringer-Ingelheim is a large, private, still family-owned by the Boehringer family pharmaceutical company specializing in human pharma, as well as animal health. Q. You said human pharma. What does that mean? A. Human pharma, so products that are taken by humans. Q. Oh, as opposed to animal health?	10 11 12 13 14 15 16 17 18 19 20 21	controlled substance? A. No, sir, no controlled drugs in the portfolio. Q. So as we move on today, we're going to be talking about some terms and names. I just want to go through them with you initially so we can get a common understanding. A. Sure. Q. One of the terms that's going to come up today is "Suspicious Order Monitoring" or "SOM" or "SOMS." What does that mean to you? A. Suspicious Order Monitoring is a, to

	Page 21		Page 22
1	in illicit channels; that you have safeguards in	1	work together to, to prevent diversion.
2	place to ensure that you know your customer and	2	Q. So could you pronounce the acronym
3	that you are monitoring ordering behavior of	3	NJPIG, how you would say it?
4	your customers to prevent illegal diversion.	4	A. NJPIG. It's kind of an awkward
5	Q. And then another term that we're	5	acronym so, yeah.
6	going to talk about a little bit is N-J-P-I-G,	6	Q. Right.
7	the New Jersey Pharmaceutical Industry Group.	7	So and then the next one that we
8	Have you ever heard of that?	8	are going to talking about is a thing called
9	A. I have.	9	chargebacks, chargebacks data.
10	Q. What is	10	Do you know what that is?
11	A. I'm part of it.	11	A. I do have an understanding of what
12	Q. What is that?	12	chargeback is, yeah.
13	A. That was a group of New Jersey-based,	13	Q. Okay. What is a chargeback?
14	for the most part, controlled substance	14	A. Chargeback is a and I'm and
15	manufacturers that we met on a regular basis to,	15	this is more layman's terms because I'm not a
16	you know because something, you know, like	16	commercial side of the house kind of person, but
17	DEA compliance or controlled substance	17	to my understanding, chargeback is when a
18	compliance is not something that is a	18	customer or has a negotiated price with you,
19	proprietary thing; it's something that we, you	19	and if they were to purchase your product from
20	know, collaborate on as an industry as much as	20	someone at a higher price, they would submit a
21	we can. So it was a forum in which we could	21	chargeback for a rebate for the difference in
22	exchange ideas and share best practices, as well	22	that cost.
23	as identify opportunities to partner with our	23	Q. All right. And then the next one is
24	local DEA and find opportunities where we could	24	a it's actually two, because I think it
	Page 23		Page 24
1	changes through time. It's IMS and IQVIA data.	1	A. Um-hmm.
2	Are you familiar with that?	2	Q. And they'll have various Bates
3	A. I'm familiar with IMS.	3	numbers on them on the bottom right-hand corner,
4	Q. What is IMS, as you think of it?	4	and I'll read them into the record. And I'll
5	A. IMS is an organization that deals in	5	try to, to the extent I think any context is
6	data and gathering industry data and providing	6	needed, I'll tell you what I think the context
7	that data to industry. Largely used by our		
		7	is from my data.
8	sales and marketing groups.	7 8	is from my data. To the extent you need any context or
8 9	sales and marketing groups. Q. All right. So today		·
		8	To the extent you need any context or
9	Q. All right. So today	8	To the extent you need any context or you have any questions about the documents, just
9 10	Q. All right. So today MR. EGLER: Can we go off the record for one second? THE VIDEOGRAPHER: The time is	8 9 10	To the extent you need any context or you have any questions about the documents, just ask and I'll see if I can get the answer for
9 10 11	Q. All right. So today MR. EGLER: Can we go off the record for one second? THE VIDEOGRAPHER: The time is approximately 9:21 a m. We are going off	8 9 10 11	To the extent you need any context or you have any questions about the documents, just ask and I'll see if I can get the answer for you.
9 10 11 12	Q. All right. So today MR. EGLER: Can we go off the record for one second? THE VIDEOGRAPHER: The time is approximately 9:21 a m. We are going off the record.	8 9 10 11 12	To the extent you need any context or you have any questions about the documents, just ask and I'll see if I can get the answer for you. A. Sure.
9 10 11 12 13 14 15	Q. All right. So today MR. EGLER: Can we go off the record for one second? THE VIDEOGRAPHER: The time is approximately 9:21 a m. We are going off the record. (Off the record.)	8 9 10 11 12 13	To the extent you need any context or you have any questions about the documents, just ask and I'll see if I can get the answer for you. A. Sure. Q. So with that said, I'm going to hand
9 10 11 12 13 14 15	Q. All right. So today MR. EGLER: Can we go off the record for one second? THE VIDEOGRAPHER: The time is approximately 9:21 a m. We are going off the record. (Off the record.) THE VIDEOGRAPHER: We are back on the	8 9 10 11 12 13 14	To the extent you need any context or you have any questions about the documents, just ask and I'll see if I can get the answer for you. A. Sure. Q. So with that said, I'm going to hand you what we'll mark as Exhibit 1.
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1	Page 25		Page 26
I –	Bates-stamp, but the second page is	1	Do you see that there?
2	Bates-stamped Allergan_MDL_03535130 and it	2	A. Um-hmm.
3	goes to 35133.	3	Q. And in the context of this case, my
4	BY MR. EGLER:	4	understanding is it is a document that comes
5	Q. And can you look generally at this,	5	from your files.
6	and when you're ready, just tell me and I'll ask	6	A. Yes.
7	you some questions about it and tell you what I	7	Q. So with that in mind, as you think
8	know about it.	8	about the remaining pages of this document, do
9	A. Okay. You want me to look at the	9	you recognize this document?
10	second page?	10	A. It appears to be a document that I
11	Q. Well, just look through it generally.	11	authored.
12	You don't have to read it or anything. I'm	12	Q. Do you, as you sit here today, do you
		13	remember typing up this particular document?
13	going to ask you to read parts of it.	14	A. This particular document, no. But it
14	(Witness complies.)	15	wouldn't be uncommon for me to attend a
15	A. Okay. All right.		
16	Q. All right. So the first page of this	16 17	controlled substance seminar and report back a summary to management and
17	document is again, it does not have a Bates		-
18	number on it. I'll tell you it's a printout of	18 19	Q. And just so we're clear, so I can put
19	what's referred to as the metadata for this.		it in perspective for the record, the date on
20	A. Okay. Got it.	20	the document is November 13th, 2008, which is
21	Q. And it has various data on there.	21	just a little over ten years ago, right?
22	One of them is, under Document Identification,	22	A. Um-hmm.
23	it says "custodian" and then a colon and	23	Q. So do you remember in 2008 in May and
24	"Napoli, Tom."	24	June attending a controlled substance conference
	Page 27		Page 28
1	and meeting of the New Jersey Pharmaceutical	1	you attended this
2	Industry Group?	2	A. Um-hmm.
3	A. I don't remember the specific		
	in i dentification the specific	3	Q often.
4	_	3 4	Q often. When would have been the first time
4 5	meeting, but I attended this particular		When would have been the first time
	_	4	When would have been the first time you would have attended the controlled substance
5	meeting, but I attended this particular conference consistently almost on an annual basis.	4 5	When would have been the first time
5 6	meeting, but I attended this particular conference consistently almost on an annual basis. Q. All right. So the conference that	4 5 6	When would have been the first time you would have attended the controlled substance conference sponsored by Cegedim-Dendrite? A. Probably in the mid-2000s, but I
5 6 7	meeting, but I attended this particular conference consistently almost on an annual basis.	4 5 6 7	When would have been the first time you would have attended the controlled substance conference sponsored by Cegedim-Dendrite?
5 6 7 8	meeting, but I attended this particular conference consistently almost on an annual basis. Q. All right. So the conference that you referred to in this document is the controlled substance conference sponsored by	4 5 6 7 8	When would have been the first time you would have attended the controlled substance conference sponsored by Cegedim-Dendrite? A. Probably in the mid-2000s, but I couldn't attest to a date, specific date, sir.
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	meeting, but I attended this particular conference consistently almost on an annual basis. Q. All right. So the conference that you referred to in this document is the controlled substance conference sponsored by Cegedim-Dendrite, and it's C-e-g-e-d-i-m, dash, D-e-n-d-r-i-t-e. Do you see that there? A. Yes. Q. What is Cegedim-Dendrite, as you think of it. A. Cegedim-Dendrite is an industry consulting organization. We actually the consulting firm that would host these events was Cegedim-Dendrite is almost synonymous with a consulting firm called Buzzeo Associates. So they're essentially interchangeable, but Buzzeo Associate is a industry controlled	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	When would have been the first time you would have attended the controlled substance conference sponsored by Cegedim-Dendrite? A. Probably in the mid-2000s, but I couldn't attest to a date, specific date, sir. Q. All right. And you had mentioned the name Buzzeo? A. Yes. Q. Is there a Mr. Buzzeo? A. Yeah. Ron Buzzeo. Q. Did do you know Mr. Buzzeo? A. I do. Q. How do you know Mr. Buzzeo? A. Through seminars and also we had utilized their their services from time to time for compliance support. Q. So going down through that first paragraph, it talks about the conference, and then it talks about the New Jersey
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	meeting, but I attended this particular conference consistently almost on an annual basis. Q. All right. So the conference that you referred to in this document is the controlled substance conference sponsored by Cegedim-Dendrite, and it's C-e-g-e-d-i-m, dash, D-e-n-d-r-i-t-e. Do you see that there? A. Yes. Q. What is Cegedim-Dendrite, as you think of it. A. Cegedim-Dendrite is an industry consulting organization. We actually the consulting firm that would host these events was Cegedim-Dendrite is almost synonymous with a consulting firm called Buzzeo Associates. So they're essentially interchangeable, but	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	When would have been the first time you would have attended the controlled substance conference sponsored by Cegedim-Dendrite? A. Probably in the mid-2000s, but I couldn't attest to a date, specific date, sir. Q. All right. And you had mentioned the name Buzzeo? A. Yes. Q. Is there a Mr. Buzzeo? A. Yeah. Ron Buzzeo. Q. Did do you know Mr. Buzzeo? A. I do. Q. How do you know Mr. Buzzeo? A. Through seminars and also we had utilized their their services from time to time for compliance support. Q. So going down through that first paragraph, it talks about the conference, and

Page 29 Page 30 1 facilitated and attended by a cross-section of 1 time, November 2008, who was your site general 2 2 pharma partners engaged in controlled substance manager? 3 3 A. An individual by the name of Tom activities throughout the northeast region." Strohl, S-t-r-o-h-l. 4 Do you see that there? 4 5 A. Yes, sir. 5 Q. So going down further into this memo, 6 Q. Do you remember, as you sit here 6 there is a discussion of "areas of 7 today, attending that particular meeting? 7 interest/concern"? 8 A. I don't. 8 A. Um-hmm. 9 9 Q. Do you have a memory that that was And then it says "Quota"? 10 the first meeting of the New Jersey PIG? 10 A. Yes, sir. 11 A. I don't -- I don't believe it was the Q. And there is a discussion of quota? 11 12 12 A. Um-hmm. first meeting. 13 Q. So this memo, as you think of it, the 13 Q. What does that term "quota" mean to "to" and "from" lines at the top are blank. 14 14 you in the context of your work? 15 Do you know whether you ever sent 15 A. The way that the DEA ensures 16 this to anybody or whether you kept it for 16 compliance and mitigates the opportunity for 17 yourself? 17 diversion is to maintain a closed system, what 18 A. Looking at the date, it would have 18 they call a closed system of distribution. And 19 been prior to taking the position at corporate 19 that closed system distribution starts with a 20 20 process, a quota process for Schedule II headquarters. I would have likely have sent 21 this to my boss, Eric Nibergall. And perhaps if 21 controlled substances and III narcotics, such as 22 I -- I was working at a manufacturing site, 22 hydrocodone, where there is a -- based on a lot 23 probably our site general manager. 23 of research that DEA does and also input from 24 Q. All right. As you think about this 24 FDA, as well as looking at abuse data, emergency Page 31 Page 32 year. And that quota could be a adjusted room record -- data, all types of big data to 1 1 2 2 determine what is called an aggregate quota for midyear or throughout the year based on your 3 the United States issuance of a quota for a 3 sales. If you acquired new business, you could 4 particular molecule for a controlled substance. 4 apply for more quota. If business dropped off, 5 So they'll look at sales data from 5 you may, there are opportunities where you could 6 each one of the companies, what was consumed 6 have perhaps surrendered quota if you didn't 7 over the year, the prior year, and they would 7 need it. But it was -- that's essentially in a 8 make a decision where they would come up with an 8 nutshell what the quota system is. 9 aggregate of a particular molecule. It could be 9 Q. So as you think about it, around this 10 oxycodone, hydrocodone, et cetera, which would 10 time, end of 2008, when you were at Watson, did 11 be divided up among industry. 11 you have any responsibility for applying for or 12 We would have -- API manufacturers 12 managing the quota that Watson got for any 13 would have a quota called a "manufacturing 13 controlled substances? quota" where they could synthesize and develop 14 14 A. Not at the time of this memo. But in an active pharmaceutical material like the raw 2019, when I assumed my role at corporate 15 15 material for OxyContin. headquarters, I did have responsibility for, for 16 16 17 At the manufacturer level, where we 17 that aspect of the business. I had an 18 were at, we would have what's called 18 individual who worked for me who was just 19 "procurement quota" where we would of, based on 19 dedicated to quota administration. 2.0 20 our -- we would do an end of year report and Q. And I think you said 2019. 21 make an application to the DEA based on our 21 A. 2009. I apologize. 2.2 prior sales, provide them with all of our sales 22 Q. Okay. That's fine. 23 history. They would do a review, and they would 23 And just so you know, at the end of grant you a quota to, to manufacture for a given the deposition, if anything like that happens, 24 24

	Page 33		Page 34
1	neither of us catch it, you'll have the	1	paragraph that you wrote that says, "During the
2	opportunity to correct anything	2	NJ Pharmaceutical Industry Group meeting, a
3	A. Okay.	3	proposal was made to draft a letter from
4	Q with no problem?	4	industry to the DEA outlining the current
5	A. Okay.	5	situation and its affect on the industry. The
6	Q. So with regard to the quota process,	6	letter will be a documented record of the
7	you said you managed someone who was responsible	7	industry's desire for change and efficiency
8	for the quota?	8	within the current process to adequately meet
9	A. Right.	9	market needs. The letter will only be sent upon
10	Q. Who was that?	10	the affirmation by the represented
11	A. Bill Hepworth.	11	organizations's legal and government affairs
12	Q. And that's?	12	functions."
13	A. H-e-p-w-o-r-t-h.	13	Do you remember having a discussion
14	Q. And beyond managing Mr. Hepworth, did	14	at the 2008 New Jersey Pharmaceutical Industry
15	you have any involvement in the negotiation or	15	Group meeting about potentially writing a letter
16	application of a quota for Watson?	16	to the DEA?
17	A. I definitely reviewed the	17	A. I do not have a recollection of that.
18	applications and provided input for those	18	Q. All right. And then I apologize
19	applications.	19	for going backwards.
20	Q. All right. Anything else?	20	A. No worries.
21	A. No, not necessarily.	21	Q. Further up in this document, there is
22	Q. All right. So moving on into this	22	a number of references to a person by the name
23	document, on the following page, on 131, about a	23	of Joseph Rannazzisi?
24	little bit more than halfway down, there is a	24	A. Yes.
	Page 35		
	1496 33		Page 36
1	Q. R-a-n-n-a-z-z-i-s-i.	1	Page 36 about them, I'll show them to you.
1 2		1 2	
	Q. R-a-n-n-a-z-z-i-s-i.		about them, I'll show them to you.
2	Q. R-a-n-n-a-z-z-i-s-i. Do you know who Mr. Rannazzisi is?	2	about them, I'll show them to you. A. Yeah. Q. All right. So if you can turn to the next page, which is 5132. And at the bottom of
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Page 37 Page 38 1 viewed to be more effective and defensible than 1 investigation, resources/SOPs." 2 2 the traditional approach of just setting a And in the context of this document, 3 3 what does the term "SOP" mean? threshold." 4 Now you write there that it is 4 A. Standard operating procedure. 5 Q. And then a bullet point, "Who reports 5 "highly recommended." From the context of this memo, take 6 suspicion order to DEA, management oversight," 6 7 your time, can you see where -- where you came 7 and then a bullet point, "Do third-party 8 8 distributors utilize an adequate SOM." to that conclusion that it was highly 9 recommended? 9 Do you see that there? A. Yes, sir. 10 10 A. It was highly recommended by the Cegedim-Dendrite group. Q. So that last one, "Do third party 11 11 12 distributors utilize an adequate SOM," what does 12 Q. Okay. 13 that mean in the context of this document? 13 A. To put it in context as well, too, 14 A. That, to me, implies that, you know, 14 you have to understand they're, as a consultant 15 and it comes back to me to know your customer, 15 group, they're selling a product as well, too, 16 that ensuring that your supply chain partner 16 for compliance. 17 that you distribute your products to that they 17 Q. All right. 18 have an effective system in place that's 18 And so then going down here, it says, 19 compliant with DEA regulations. 19 "The following concepts are to be considered 20 Q. And with regard to this discussion 20 when developing an effective SOM: How are new 21 here with these bullet points that I've been 21 accounts opened, background check, Know Your 22 reading, it says "Know Your Customers"? 2.2 Customers." And then a bullet point, "How are 23 A. Yes, sir. 23 orders evaluated," and then a bullet point, "How 24 Q. And in the context of your work at 24 are orders cleared from suspicion, appropriate Page 39 Page 40 Watson, the customers that are referred to 1 and they're coming to you for an increase. 1 2 there, who are they? 2 There could be a variety of reasons why an order 3 A. Distributors or large chains such as 3 increased. 4 Walgreens, CVS. 4 So really taking a deeper dive to 5 Q. Walgreens and CVS would essentially 5 understand why the change in behavior. 6 distribute to themselves, is that fair to say? 6 Q. All right. Then moving further down 7 7 in the document, it states, "DEA shifted A. Right, to their own pharmacy 8 locations. 8 operating philosophy." 9 Q. So with regard to the third bullet 9 Do you see that there? 10 point there, it says, "How are orders cleared 10 A. Yes. 11 from suspicion." 11 Q. It says, "Field offices becoming less 12 A. Um-hmm. 12 'friendly,' shifting from partners to 13 Q. Can you tell me what that means in 13 enforcers." the context of this document? 14 14 A. Yes. 15 15 Q. Do you have a memory or an A. Sure. understanding of where you got that information? 16 And within the context of, of this 16 17 document, if you have an order that pens with or 17 A. That would have come from a -- the flags within a given system, you know, what 18 18 Cegedim or the Buzzeo group was comprised 19 steps do you take as a registrant to understand 19 largely of former DEA high-ranking officials, 20 that ordering behavior and subsequently justify policy and liaison folks within management that 20 21 why that order is out of -- is not consistent 2.1 still had contacts, and as well as I can see in 22 with an ordering pattern. It could be because a 22 here that Mark Caverly and James Crawford, both 23 from DEA, spoke at this conference. And that company took on more business, another 23 24 manufacturer had an issue for the same product 24 there was a shift in -- there was more trends of

Page 41 Page 42 1 more aggressive enforcement because of some of 1 In 2008, I was responsible for 2 the abuse patterns that were existing in the 2 compliance within our manufacture and 3 3 country. distribution sites in -- locally in New York, 4 Q. By this time in 2008, for about how 4 5 long had you been working or encountering issues 5 Q. And as part of that compliance 6 with the DEA in your work? 6 process, would you be responsible for preparing 7 A. Up to that point, I didn't have any 7 the sites for audits by the DEA? 8 issues with the DEA. 8 A. Yes. 9 Q. Just when you say you didn't have any 9 Q. As you think of it, in your time up 10 issues, it means your work didn't have any --10 to this point, end of 2008, before you moved to A. Are you talking about -- can you 11 11 New Jersey, about how many DEA audits did you 12 provide context to "issue"? 12 participate in for Watson? 13 Q. Right. 13 A. Several. We -- the way that the DEA A. Is it negative issue or just dealings 14 14 audits is based on your registration, so -- and 15 with DEA? 15 the cyclical audits could be -- they can range 16 Q. That's what I want to get a better 16 from three years to sometimes five years. 17 word for. 17 If you have a violative past or a 18 So as you think about your work up to 18 history, you can get an inspection every year. 19 this point, the end of 2012, did you have any 19 We were on a three to five-year 20 responsibilities for enforcing DEA regulations 20 inspection schedule, but because we had multiple 21 in your job? 21 registrations, so we had manufacturer 22 A. Well, you used the term "2012." 22 registration, I believe we had import 23 Q. I'm sorry. 2008. 23 registrations, research, each one of those 24 A. Okay. 2008. 24 registrations are subject to an inspection on a Page 43 Page 44 periodic basis. So probably every couple of 1 mainly in Mexico now." 1 years or so, we would see the DEA in for a 2 2 And the next one is: "Proliferation 3 cyclical inspection, it would be called. 3 of Internet." 4 Q. All right. So moving further down 4 Next one is: "Congressional 5 onto this page, which is page 3 of the document, 5 interest, children dying, tremendous cost to 6 page 132 of Exhibit 1, it states, "Contributing 6 society." 7 Factors," colon, and then in quotations, "the 7 And the last bullet point is: 8 perfect storm." 8 "Dwindling DEA resources." 9 Do you see that there? 9 So as you think about the information 10 A. Right. 10 that you convey there in this memo, where would 11 Q. And you write a series of five bullet 11 you have gotten that information? 12 points: "Non-medical use of pharmaceutical 12 A. That would have been from a products now greater than the abuse of cocaine, 13 13 presentation directly from the Cegedim-Dendrite hallucinogens and inhalants" -conference. It may have come from, from their, 14 14 one of their presentations or one of the 15 A. Right. 15 Q. -- "among adults 26 or older. Seven speakers from DEA. 16 16 17 million Americans reporting non-medical use of 17 Q. And then you state that the -- well, 18 18 prescription medicines in 2006." the next thing you state is, "Result," and a 19 Next bullet point is: "Presidential 19 colon, and it says, first bullet point, 2.0 2.0 mandate to cut drug use, enforcement efforts "Application of traditional principals of 21 have been highly successful in areas of illicit 21 enforcement industry." 2.2 drug use, yet one category is rising, 2.2 And then the next bullet point is: 23 prescription medicines. Clandestine 23 "Enforcement focus - commingling of enforcement methamphetamine production, 'shut down in U.S.,' 24 24 agents and diversion investigators and single

Page 45 Page 46 Q. Section chief, Office of Diversion 1 enforcement group at all field offices. 400 1 2 diversion investigators in the world, more than 2 Control. 3 Do you remember meeting Mr. Crawford one million registrants, 5,000 special agents 3 4 currently hiring." 4 or Mr. Caverly? 5 A. Yes. 5 A. I do remember meeting Mr. Crawford. 6 O. And then the next one is: "All 6 And Mr. Caverly, I know very well. 7 policy decisions made by HQ." 7 Q. So how do you know Mr. Caverly? 8 So, again, where would you have 8 A. Mr. Caverly, I knew him when he was 9 gotten that information? 9 head of policy and liaison with DEA. And he was 10 A. Again, it probably would have come 10 someone that you would reach out to if you had 11 from either Mr. Crawford or Caverly from DEA. 11 any questions about interpretation of federal 12 Q. The statement there, it says, "All 12 regulations, which sometimes, as you know, can policy decisions made by HQ." 13 13 not be clear at all times. So he was a resource What does that mean? 14 14 to reach out to to get clarification. 15 A. That the policy decisions for, as I 15 As well as when he retired from DEA, 16 would interpret this, enforcement actions would 16 he actually became one of the head consultants 17 be made in the Washington, D.C., level, not at a 17 for Cegedim/Buzzeo. So I've known him for many local field office. 18 18 years. 19 Q. All right. And then on the next 19 Q. Do you remember when about he 20 page, at the bottom of that page, the next page 20 retired? 21 talks about two people from the DEA, James 21 A. I don't. It might have been right 22 Crawford, who is special assistant, Office of 22 around this time period within -- give or take a 23 Diversion Control, and Mark Caverly? 23 year. 24 A. Caverly. 24 Q. How about Mr. Crawford, do you Page 47 Page 48 1 remember him? A. Okay. 1 2 2 (Napoli Exhibit 2, NJPIG Charter A. I do. 3 Statement, Bates-stamped HDS MDL 00095906 3 Q. How did you know Mr. Crawford? through 5907, marked for identification, as A. Just from the one meeting at this 4 4 5 conference, I believe. 5 of this date.) BY MR. EGLER: 6 6 Q. All right. Mr. Caverly, as you think 7 7 Q. What we marked as Exhibit 2, I'm just of it, when was the last time you talked with 8 him? 8 going to tell you, at the bottom right-hand 9 A. I haven't worked for Actavis --9 corner, there is a Bates number. It says probably three years ago. 10 HDS MDL 00095906. And I want to be clear, this 10 11 Q. All right. You can set this 11 document did not come from the files of your document, Exhibit 1, aside. 12 former employer or your own files. 12 But that said, do you remember ever 13 (Witness complies.) 13 seeing this document before? (Discussion off the record.) 14 14 A. Yes. 15 BY MR. EGLER: 15 16 Q. Okay. What is it? 16 Q. And at the end of the day, the court 17 reporter will take all the documents that are 17 A. It's a charter statement for the New marked with the actual stickers and keep them. 18 Jersey Pharmaceutical Industry working group 18 19 19 essentially stating what the goals of the A. Okay. 2.0 working group is, as well as -- I'm trying to 2.0 Q. No souvenirs. 21 A. Parting gifts. 21 think of this. There was a document about, you 2.2 know, not sharing proprietary, confidential 2.2 (Laughter.) 23 Q. Mr. Napoli, I'm going to hand you 23 information. I don't know if that's within this document. But this is just essentially the 24 what we'll mark as Napoli Exhibit 2. 24

Page 49 Page 50 1 charter and the mission of what our, our group 1 going back now, and I know that there were 2 was put together for. 2 individuals from Novartis, but I'm struggling 3 Q. And as you think about your 3 with some of the names. 4 involvement in the New Jersey Pharmaceutical 4 Q. With regard to the companies like 5 Industry Group, how many people from Watson in 5 Novartis, can you think of any other companies 6 2008 were involved in the NJPIG? 6 that were participating in the New Jersey 7 7 A. In 2008, certainly I was a new member Pharmaceutical Industry Group around this time? 8 to the team. I think probably Tracey Hernandez, 8 Novartis, Halo Pharmaceuticals. 9 who was our head of DEA compliance at the time, 9 Yeah, I'm actually struggling with that, with 10 would have been a member. 10 some of the names. 11 Q. Anybody else? 11 Q. Have you ever heard of a company 12 A. I'm not 100 percent sure, but some 12 called Endo? 13 people within her group may have been members. 13 A. Yes. 14 Q. So as you think of the entity, the 14 Q. Do you remember anyone from Endo 15 New Jersey Pharmaceutical Industry Group, did 15 being part of the NJPIG? 16 you know anybody from other companies that were 16 A. Not at that time. They may have been 17 in the group? 17 a member. I don't know who would represent them 18 A. Yes. 18 at that time. 19 Q. Who did you know, as you think about 19 Q. As you think about it, about this 20 it just off the top of your head? 20 time, June 2008, again, just as you think about 21 A. Mike Mejjiolaro, and I don't even 21 it, about how many members of the NJPIG were 22 know if I can spell that name. 22 there? 23 Q. Anybody else? 23 A. I couldn't speculate. I mean, if I 24 A. I'm trying to think. It's -- we're 24 said a dozen, I --Page 51 Page 52 And then it states: "Invitation for Q. But you don't have any particular 1 1 speakers from state or federal agency and/or 2 feeling either way? 2 3 3 suppliers is after discussion with the group." A. No. 4 Q. All right. So this charter statement 4 All right? Do you see that there? 5 has various text on it. And part of it is 5 A. Yes, sir. 6 bullet points. And it says: "The goal of the 6 Q. Now you are -- or I just read the 7 7 second bullet point, "All information shared in New Jersey Pharmaceutical Industry Group is to 8 increase compliance with DEA requirements 8 the meeting is confidential. And if you use the 9 through the shared knowledge and experience of 9 idea that was presented at a meeting, it should 10 10 not be attributed to any specific company. We group members." 11 11 do not publish meeting notes." A. Yes. 12 Q. And then it states: "All information 12 Do you remember whether you took 13 shared in the meeting is confidential. If you 13 notes at meetings of the New Jersey 14 use an idea that was presented at a meeting, it 14 Pharmaceutical Industry Group? should not be attributed to any specific 15 15 A. I don't recall if I took notes at company. We do not publish meeting notes." those meetings. 16 16 17 And then it says: "Each 17 Q. And you regularly attended the 18 company/member is expected to volunteer to host 18 meetings of this NJPIG, right? 19 a meeting when it is their turn. We have about 19 A. I wouldn't say regularly. It was probably intimately, when my schedule allowed 2.0 two meetings a year. The location is chosen by 20 21 the host company. Each meeting we ask for a 21 2.2 volunteer for the next meeting. Attendance by 22 Q. Okay. When you did not attend a 23 multiple persons from the same company may need 23 scheduled meeting of the NJPIG, would someone 24 to be limited based upon the room size." 24 attend for you?

	Page 53		Page 54
1	A. In this time frame, no.	1	was transitioning out over a six-month period.
2	Q. How about later on?	2	Q. Do you remember whether she stayed
3	A. Later on, probably, yeah.	3	employed at Watson at the end of the six-month
4	Q. As you think of it, who would have	4	period?
5	been the person who would have attended for you?	5	A. I can't recall if she stayed the
6	A. It could have been any of the it	6	whole six months.
7	could have been Bill Hepworth. It could have	7	Q. She doesn't work at Watson well,
8	been one of our auditors.	8	do you know whether she ever left Watson's
9	Q. All right. And then you mentioned	9	employment at some point?
10	one of the other people from Watson who may have	10	A. Yes.
11	been involved in this was woman by the name of	11	Q. Do you know when?
12	Tracey Hernandez, right?	12	A. It would have been 2009.
13	A. Yes, sir.	13	Q. All right. So with regard to the New
14	Q. Was Tracey Hernandez, did she work in	14	Jersey Pharmaceutical Industry Group, do you
15	New Jersey at this time?	15	remember whether you ever hosted one of their
16	A. Yes.	16	meetings?
17	Q. And when you moved into the	17	A. I believe we did host a meeting.
18	reorganized DEA affairs and security part of	18	Q. Where did you host it?
19	Watson, what did Ms. Hernandez do?	19	A. It would have either been in our
20	A. She was actually, because of the	20	Morristown location, but we subsequently moved
21	organizational change to fold the organization	21	to Parsippany, so either one of those. I don't
22	from quality into the security and operations	22	have a specific recollection of where we hosted
23	organization, she was transitioning out of the	23	it. I believe we did host one.
24	organization. So I think when I came in, she	24	Q. So you mentioned Morristown, and it's
	Page 55		Page 56
1	M-o-r-r-i-s-town, right?	1	document dated 10/21/08, Bates-stamped
2	A. Yes.	I -	
2		2	ALLERGAN_MDL_03535009 through 010, marked
3	Q. And then Parsippany, New Jersey.	3	ALLERGAN_MDL_03535009 through 010, marked for identification, as of this date.)
4	Q. And then Parsippany, New Jersey.Was it Parsippany, New Jersey, your		
		3	for identification, as of this date.)
4	Was it Parsippany, New Jersey, your	3 4	for identification, as of this date.) BY MR. EGLER:
4 5	Was it Parsippany, New Jersey, your offices at Actavis?	3 4 5	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page
4 5 6	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes.	3 4 5 6	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting
4 5 6 7	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was;	3 4 5 6 7	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009
4 5 6 7 8	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in	3 4 5 6 7 8	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010.
4 5 6 7 8 9 10	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the	3 4 5 6 7 8	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can
4 5 6 7 8 9 10 11	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis	3 4 5 6 7 8 9	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be?
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4 5 6 7 8 9 10 11 12 13 14 15 16 17	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis headquarters. Q. Okay. So Watson moved to Parsippany? A. Um-hmm. Q. And then they bought Actavis? A. Correct. Q. All right. Okay. You can set this	3 4 5 6 7 8 9 10 11 12 13 14 15	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be? A. This looks like a promotional or a summary of a service or a product that Cegedim-Dendrite was marketing towards industry to develop a statistically based model of Suspicious Order Monitoring. Q. And, again, based on the information
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis headquarters. Q. Okay. So Watson moved to Parsippany? A. Um-hmm. Q. And then they bought Actavis? A. Correct. Q. All right. Okay. You can set this document aside for now.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be? A. This looks like a promotional or a summary of a service or a product that Cegedim-Dendrite was marketing towards industry to develop a statistically based model of Suspicious Order Monitoring. Q. And, again, based on the information that we received in the litigation, this
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis headquarters. Q. Okay. So Watson moved to Parsippany? A. Um-hmm. Q. And then they bought Actavis? A. Correct. Q. All right. Okay. You can set this document aside for now. (Witness complies.)	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be? A. This looks like a promotional or a summary of a service or a product that Cegedim-Dendrite was marketing towards industry to develop a statistically based model of Suspicious Order Monitoring. Q. And, again, based on the information that we received in the litigation, this document came from your files.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis headquarters. Q. Okay. So Watson moved to Parsippany? A. Um-hmm. Q. And then they bought Actavis? A. Correct. Q. All right. Okay. You can set this document aside for now. (Witness complies.) BY MR. EGLER:	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be? A. This looks like a promotional or a summary of a service or a product that Cegedim-Dendrite was marketing towards industry to develop a statistically based model of Suspicious Order Monitoring. Q. And, again, based on the information that we received in the litigation, this document came from your files. A. Um-hmm.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis headquarters. Q. Okay. So Watson moved to Parsippany? A. Um-hmm. Q. And then they bought Actavis? A. Correct. Q. All right. Okay. You can set this document aside for now. (Witness complies.) BY MR. EGLER: Q. All right. And I'll hand you what	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be? A. This looks like a promotional or a summary of a service or a product that Cegedim-Dendrite was marketing towards industry to develop a statistically based model of Suspicious Order Monitoring. Q. And, again, based on the information that we received in the litigation, this document came from your files. A. Um-hmm. Q. Do you remember this document?
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Was it Parsippany, New Jersey, your offices at Actavis? A. Yes. Q. And Morristown was where Watson was; is that right? A. Well, it was Watson and then Actavis. So it was Watson moved from their location in Morristown to Parsippany. And then after the acquisition of Actavis, it became the Actavis headquarters. Q. Okay. So Watson moved to Parsippany? A. Um-hmm. Q. And then they bought Actavis? A. Correct. Q. All right. Okay. You can set this document aside for now. (Witness complies.) BY MR. EGLER: Q. All right. And I'll hand you what	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for identification, as of this date.) BY MR. EGLER: Q. So Exhibit 3, again, the first page doesn't have a Bates number on it, but starting on the second page, it's ALLERGAN_MDL_03535009 through 010. Mr. Napoli, when you're ready, can you tell me what this appears to you to be? A. This looks like a promotional or a summary of a service or a product that Cegedim-Dendrite was marketing towards industry to develop a statistically based model of Suspicious Order Monitoring. Q. And, again, based on the information that we received in the litigation, this document came from your files. A. Um-hmm. Q. Do you remember this document? A. Yes. Q. What do you remember about it?

	Page 57		Page 58
1	something that was, was sent to us or that I	1	Woods to Napoli, Bates-stamped
2	printed off for informational purposes.	2	ALLERGAN_MDL_ 02467143 through 154, marked
3	Q. Do you remember around this time	3	for identification, as of this date.)
4	well, this document refers is dated	4	(Handing.)
5	October 21st, 2008.	5	A. Thank you.
6	A. Um-hmm.	6	Q. Mr. Napoli, can you look at
7	Q. Do you remember around this time	7	Exhibit 4. And while you're looking at it
8	having discussions with anyone from	8	generally, I'll read into the record the Bates
9	Cegedim-Dendrite about their Suspicious Order	9	numbers.
10	Monitoring offerings?	10	It's ALLERGAN_MDL_02467143 through
11	A. Not in 2008 because I wasn't in the	11	154. And I'm going to ask you some questions
12	corporate role yet.	12	about this document.
13	Q. Okay. So why would you have saved	13	A. Sure.
14	this document?	14	Q. Just let me know when you're ready.
15	A. For educational informational	15	You don't have to have an understanding of all
16	purposes.	16	the information.
17	Q. All right. You can set this document	17	
18	aside.		A. Okay.
19	(Witness complies.)	18	Q. I just want to ask you some questions
20	BY MR. EGLER:	19	about it.
21		20	(Document review.)
22	Q. Now we're going to move on. I'm hand	21	A. Okay.
23	you what we will mark as Exhibit 4.	22	Q. So did you use email when you worked
	(Napoli Exhibit 4, Email chain	23	at Watson?
24	beginning with email dated 6/8/09 from	24	A. Yes.
	Page 59		Page 60
1	Q. What was your email address?	1	new role in 2009.
1 2	Q. What was your email address?A. I think it was TNapoli@Watson.com.	1 2	new role in 2009. Q. And there is a person there named
	•		
2	A. I think it was TNapoli@Watson.com.	2	Q. And there is a person there named
2	A. I think it was TNapoli@Watson.com.Q. Did you ever print out an email that	2	Q. And there is a person there named Molly Martin.
2 3 4	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at	2 3 4	Q. And there is a person there namedMolly Martin.A. Um-hmm.
2 3 4 5	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson?	2 3 4 5	Q. And there is a person there namedMolly Martin.A. Um-hmm.Q. Who is Molly Martin?
2 3 4 5 6	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have.	2 3 4 5 6	Q. And there is a person there namedMolly Martin.A. Um-hmm.Q. Who is Molly Martin?A. Molly Martin, I believe, was someone
2 3 4 5 6 7	 A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have 	2 3 4 5 6 7	 Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our
2 3 4 5 6 7 8	 A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the 	2 3 4 5 6 7 8	 Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team.
2 3 4 5 6 7 8	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4?	2 3 4 5 6 7 8	 Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term
2 3 4 5 6 7 8 9	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so.	2 3 4 5 6 7 8 9	 Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before.
2 3 4 5 6 7 8 9 10	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this	2 3 4 5 6 7 8 9 10	 Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm.
2 3 4 5 6 7 8 9 10 11	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan	2 3 4 5 6 7 8 9 10 11	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at
2 3 4 5 6 7 8 9 10 11 12 13	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay.	2 3 4 5 6 7 8 9 10 11 12 13	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality
2 3 4 5 6 7 8 9 10 11 12 13 14	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says "from," and it has the name Mary Woods.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with ensuring compliance with FDA regulations and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says "from," and it has the name Mary Woods. Do you know Ms. Woods?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with ensuring compliance with FDA regulations and ensuring that we have a total quality system and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says "from," and it has the name Mary Woods. Do you know Ms. Woods? A. I do.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with ensuring compliance with FDA regulations and ensuring that we have a total quality system and that we are functioning according to FDA
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says "from," and it has the name Mary Woods. Do you know Ms. Woods? A. I do. Q. Who is Mary Woods?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with ensuring compliance with FDA regulations and ensuring that we have a total quality system and that we are functioning according to FDA regulations.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says "from," and it has the name Mary Woods. Do you know Ms. Woods? A. I do. Q. Who is Mary Woods? A. Mary Woods was our head of order	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with ensuring compliance with FDA regulations and ensuring that we have a total quality system and that we are functioning according to FDA regulations. Q. So is it fair to say there is a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I think it was TNapoli@Watson.com. Q. Did you ever print out an email that you wrote or received while you worked at Watson? A. I'm sure I have. Q. As you think of it, would it have looked like the format-wise, looked like the document that we've marked as Exhibit 4? A. I would think so. Q. I'll represent to you that this document was produced to us by Allergan A. Okay. Q in this case. And it's my understanding that it is an email. And at the top of the page, it says "from," and it has the name Mary Woods. Do you know Ms. Woods? A. I do. Q. Who is Mary Woods? A. Mary Woods was our head of order management.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And there is a person there named Molly Martin. A. Um-hmm. Q. Who is Molly Martin? A. Molly Martin, I believe, was someone who was a member of management within our quality team. Q. I think you had mentioned that term "quality" before. A. Um-hmm. Q. In the context of your work at Watson, what does that mean to you, quality team? A. The quality assurance organization is an organization that is very closely tied with ensuring compliance with FDA regulations and ensuring that we have a total quality system and that we are functioning according to FDA regulations. Q. So is it fair to say there is a different group to ensure compliance with FDA

	Page 61		Page 62
1	MR. KNAPP: Objection to form.	1	talked about Ms. Martin.
2	MR. LUXTON: Objection.	2	Do you remember anybody else from
3	BY MR. EGLER:	3	that group?
4	Q. Do you have an answer to the	4	A. From the quality group?
5	question? Sorry.	5	Q. Yes.
6	A. Yeah, there is there is both	6	A. It's a very large group. Yeah, I do.
7	quality group and a DEA compliance group.	7	Q. About how many people were in the
8	MR. LUXTON: Sorry to interrupt, but	8	group, as you think of it?
9	can we just have an agreement, because I	9	A. I couldn't even speculate.
10	objected at the same time, an objection for	10	Q. Like dozens or less than ten?
11	one defendant is an objection for all so I	11	A. More than more than a dozen. I
12	don't have to put the same objections on	12	mean, we had a corporate group, and then there
13	the record?	13	were quality groups at the sites.
14	MR. EGLER: Yeah.	14	Q. And thinking of the DEA group let
15	MR. LUXTON: It might be in the CMO.	15	me start over because that was a little
16	MR. EGLER: It is. That's all	16	cumbersome.
17	covered.	17	As you think about the people at
18	MR. LUXTON: Great. Thanks.	18	Watson that were responsible for making sure the
19	MR. EGLER: We just need one. And	19	company complied with the DEA regulations and
20	you guys can have a button if you want.	20	laws, about how many people at the Watson
21	(Laughter.)	21	headquarters when you started there had the
22	BY MR. EGLER:	22	primary responsibility for that?
23	Q. For the quality assurance group and	23	A. About a half dozen.
24	their role with regard to FDA regulations, we	24	MR. KNAPP: Objection to form.
	Ç ,		,
	Page 63		Page 64
1	BY MR. EGLER:		
	DI MR. EGLER.	1	A. She would have been probably second,
2	Q. And as you think about the half	1 2	A. She would have been probably second, you know, kind of someone who supported Tracey
2 3			- · · · · · · · · · · · · · · · · · · ·
	Q. And as you think about the half	2	you know, kind of someone who supported Tracey
3	Q. And as you think about the half dozen, can you name some of them?	2 3	you know, kind of someone who supported Tracey Hernandez in her direct role. So oversight of,
3 4	Q. And as you think about the halfdozen, can you name some of them?A. Bill Hepworth, Lynn DaCunha,	2 3 4	you know, kind of someone who supported Tracey Hernandez in her direct role. So oversight of, of the group. Probably had her oversight in
3 4 5	Q. And as you think about the halfdozen, can you name some of them?A. Bill Hepworth, Lynn DaCunha,D-a-c-u-n-h-a. Ione Graziosi, Jim Dougherty	2 3 4 5	you know, kind of someone who supported Tracey Hernandez in her direct role. So oversight of, of the group. Probably had her oversight in various functions. So as far as licensing,
3 4 5 6	Q. And as you think about the half dozen, can you name some of them? A. Bill Hepworth, Lynn DaCunha, D-a-c-u-n-h-a. Ione Graziosi, Jim Dougherty D-o-u-g-h-e-r-t-y, Sarah Blackenship. And we	2 3 4 5 6	you know, kind of someone who supported Tracey Hernandez in her direct role. So oversight of, of the group. Probably had her oversight in various functions. So as far as licensing, registration, quota, Suspicious Order
3 4 5 6 7	Q. And as you think about the half dozen, can you name some of them? A. Bill Hepworth, Lynn DaCunha, D-a-c-u-n-h-a. Ione Graziosi, Jim Dougherty D-o-u-g-h-e-r-t-y, Sarah Blackenship. And we also had individuals at the sites that had	2 3 4 5 6 7	you know, kind of someone who supported Tracey Hernandez in her direct role. So oversight of, of the group. Probably had her oversight in various functions. So as far as licensing, registration, quota, Suspicious Order Monitoring, ensuring probably day-to-day
3 4 5 6 7 8	Q. And as you think about the half dozen, can you name some of them? A. Bill Hepworth, Lynn DaCunha, D-a-c-u-n-h-a. Ione Graziosi, Jim Dougherty D-o-u-g-h-e-r-t-y, Sarah Blackenship. And we also had individuals at the sites that had compliance responsibilities as well.	2 3 4 5 6 7 8	you know, kind of someone who supported Tracey Hernandez in her direct role. So oversight of, of the group. Probably had her oversight in various functions. So as far as licensing, registration, quota, Suspicious Order Monitoring, ensuring probably day-to-day management, where Tracey might have been a
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	Page 65		Page 66
1	group, we actually brought in another individual	1	her in that role?
2	who became an auditor investigator for us who	2	A. Yes.
3	took the primary responsibility for the SOMS,	3	Q. Who?
4	the Suspicious Order Monitoring role. And the	4	A. William Simmons.
5	other individuals really kind of just picked up	5	Q. All right. And what was
6	the other responsibilities.	6	Mr. Simmons's role?
7	I managed the overall operation, as	7	A. Will Simmons was, again, brought in
8	well as the strategic operations.	8	as an auditor/investigator, so he had a primary
9	Q. So who was the person that you're	9	role for the day-to-day, for the DEA compliance
10	thinking of that came in after Ms. Graziosi	10	side of Suspicious Order Monitoring, Know Your
11	left?	11	Customer activities, any type of investigations,
12	A. It would have been Lisa Scott. She	12	
			as well as audit.
13	kind of came in during the time when Ione was	13	Q. Was Mr. Simmons physically located in
14	there.	14	New Jersey for work?
15	Q. And then for how long was Ms. Scott	15	A. Yes, sir. Yes.
16	in that role?	16	Q. And as you think of it, by that time
17	A. Four or five years maybe.	17	when you were working with Mr. Simmons, you were
18	Q. Do you remember	18	in Parsippany; is that right?
19	A. If that.	19	A. Yes, sir.
20	Q. Do you remember when she left?	20	Q. As you think about the physical
21	A. When she left?	21	layout of the Parsippany business for Watson and
22	Q. About the time?	22	Actavis, about how many stories was it?
23	A. I'd say 2012, 2013.	23	A. Four.
24	Q. Do you remember if anyone replaced	24	Q. And what floor were you on?
	Page 67		Page 68
1	A. Third.	1	A. There was labeling. There was a
2	Q. Do you remember, as you think of it,	2	component of quality there, supply chain.
3	who else was on the third floor?	3	Q. Anything else you can think of?
4	A. In Parsippany?	4	A. Not in particular.
5	Q. And let me ask this a little bit	5	Q. All right. And I know this is a
6	better.	6	complete estimate, but as you think of it, about
7	As you think about the Parsippany	7	how many people worked on the third floor in the
8	office building in the time that you moved in,	8	Parsippany building for Watson when you moved
9	how would you categorize the group that you	9	in?
10	managed or worked for? Would it be DEA affairs	10	A. A couple hundred.
11	or something else?	11	Q. All right. Do you know whether
12	A. DEA affairs.	12	Watson maintained a call center at the
13	Q. So about, as you think of it, about	13	Parsippany building around the time that you
14	this time, about how many people in the DEA	14	moved in?
15	affairs group were located for work in the	15	A. I don't believe there was a call I
16	Parsippany building?	16	don't know if there was a call center in
17	A. Everyone.	17	Parsippany. I know there may have been one in
18	Q. And about how many people was that?	18	California. Not I can't speculate on that.
19	A. I guess about half a dozen folks	19	Q. All right. So let's go back to this
20	there related to it.	20	Exhibit 4. And I'll I'll tell you that we
			-
21	Q. So beyond the DEA affairs group, can	21	met with Mary Woods and took her deposition last
22	you remember any other groups that were on the	22	week
23	third floor of the Parsippany building when you	23	A. Okay.
24	moved in?	24	Q and I'm going to try not to
		T. Contract of the Contract of	

Page 69 Page 70 1 characterize what she said, but I think my 1 input as this is transitioning over to you." 2 2 questions were being formed by my perception of So she uses a couple terms there, the 3 what she said --3 SOP, and I think we talked about what that 4 A. Okay. 4 meant. 5 Q. -- which might be different from your 5 A. Yes. 6 counsel's perception of what she said. 6 And then she uses the term "the call O. 7 A. Okay. 7 center." 8 O. So rather than get into an argument 8 As you think back to around this 9 about what she said, I'm going to ask you 9 time, 2009 at Watson, what was the call center? questions for you to answer. A. She may be referring to the call 10 10 11 A. Sure. 11 center for sales. 12 12 Q. Okay. And then with regard to the Q. So this first email, which is the 13 last email in time, on Exhibit 4, Ms. Woods 13 controlled substance compliance team, do you writes, "Hi, Tom. Need your feedback for Molly. 14 recognize that as the group that you worked 14 15 The SOP below belongs to the call center but has 15 with? A. Yes. 16 many owners that supply feedback as designated 16 17 in the left column. Several departments review 17 Q. All right. So when she talks about to make sure we are in compliance. 18 the "SOP below," as you look through this email, 18 19 "The current control substance 19 can you identify an SOP that's attached to it or 20 compliance team requested an immediate change 20 a part of it? A. Yes. 21 last month. We added their request to Section 21 22 1.11. Molly has a few questions in reference to 22 Q. All right. Where would that be? 23 these changes. Her questions are below. 23 (Document review.) A. MDL_7151. 24 "We feel it is critical to get your 24 Page 71 Page 72 Q. All right. That's the last few worked from a systemic standpoint, as well as 1 1 2 pages. The page that you pointed to starts with 2 from a procedural standpoint in ensuring that we 3 the word "purpose." 3 didn't have any gaps. 4 Is that right? 4 Q. Before this time, mid 2009, did you 5 A. Correct. 5 have any experience with Suspicious Order 6 Q. And under "purpose" it states, "To 6 Monitoring systems? 7 7 assure distribution of controlled drugs is A. Not in an operational sense, but I monitored for excessive use by an individual 8 8 certainly had education and was familiar with 9 location using the DEA number as the 9 Suspicious Order Monitoring. 10 identifier." 10 O. When did that education start? 11 Do you remember whether this SOP was 11 A. Probably shortly after I joined the 12 enforced when you started in -- when you started 12 organization and took controlled substance 13 in your job at Watson around June 2009? 13 responsibilities. 14 A. I believe it was. 14 Q. So as you think about the suspicious 15 15 Q. All right. So around this time, did order of management system at Watson at this you do a study or a review of the standard time, what -- and "this time" being mid-2009 16 16 17 operating procedures of the Suspicious Order 17 when this email was written, what part of it, if Monitoring System? 18 any, was your responsibility? 18 19 A. I'm sure that I did. 19 A. When I came on into this role? 20 Q. How would you have done that, as you Q. Yes. 20 21 think of it? 2.1 A. I would have oversight to ensure that 22 A. I would have likely worked with, with 22 it was compliant with DEA regulations. 23 Mary to get an understanding of the process, as 23 Q. And I want to talk for a little bit 24 well as folks on my team, to understand how it 24 about the physical or mechanical processes

Page 73 Page 74 1 involved in the Suspicious Order Monitoring 1 well, too, for those types of class trades. So 2 2 System, as you understand them. various different parameters that would provide 3 A. Sure. 3 an average of ordering history, so not a static 4 Q. So my understanding is that the 4 number. So it would be changing based on, on 5 Suspicious Order Monitoring System creates a, a 5 the ordering patterns, as well as their was a 6 limit on the size of an order based on various 6 multiplier as well, too, that would provide a 7 variables that will alert people at a company 7 plus or minus tolerance, so to speak. 8 that an order is of interest or pending; is that 8 Q. So, again, thinking of the mechanical 9 right? 9 part or the process part of the Suspicious Order 10 MR. KNAPP: Objection to form. 10 Monitoring System, you used the terms ERP and MR. LUXTON: Objection to form. 11 11 SAP system. 12 12 BY MR. EGLER: A. Um-hmm. 13 Is your understanding similar to 13 How would the parameters for the Watson Suspicious Order Monitoring System be that? 14 14 15 A. My understanding, that there is a 15 included in the ERP system? 16 system that was developed within our, our ERP, 16 Do you have an understanding? 17 our enterprise resource and system SAP that 17 And what I'm trying to ask is, as you would, based on a model that was designed, that 18 think of the SAP systems that manages 18 19 would look at a six-month role in history, would 19 inventories and orders and everything --20 20 develop an average -- it would rationalize A. Um-hmm. 21 ordering behavior. It would also look at 21 Q. -- do you know who was responsible 22 different characteristics as markers, whether it 22 for putting the Suspicious Order Monitoring 23 was a particular class of trade of an 23 System in the process of the ERP? 24 organization or -- and a monthly average as 24 A. The -- who built the process? Page 75 Page 76 Q. Yes. 1 were on the order management team when you 1 2 A. Who built the process, I think it was 2 started in 2008? 3 before my time, but it was a collaboration 3 A. No. 4 between order management, our SAP, IT folks, as 4 As you think of it, was it more than Q. 5 well as controlled substance compliance would 5 a dozen? 6 have been a project team member. 6 A. No. 7 7 Was it more than six? Q. So with regard to the IT people for 8 the SAP system, can you think of any particular 8 Probably less than six. 9 individuals that you would think would be 9 And then do you have an understanding 10 primarily responsible for that? 10 of whether the, the number of people on the 11 A. I can't recall back that far. 11 order management team at Watson increased while 12 Q. All right. And then when the system 12 you were there and the company changed its name 13 was in place in the -- let me start over. 13 to Actavis? 14 When the Suspicious Order Monitoring 14 A. I can't be certain, but I believe System was in place in Watson's SAP system and that there were additional folks that came on 15 15 an order pended, what would happen next? board. 16 16 17 A. If an order pended, it would be 17 Do you remember the names of any 18 reviewed by a member of the order management 18 people who were on the order management team? 19 team specifically dedicated to controlled 19 A. Sandy Simmons was the manager. 2.0 substance ordering. 2.0 Victoria Lepore was in order management. 21 Q. Now that order management team that 21 Bettina Dwor, I think was and individual --2.2 you mentioned, did they report to you? 2.2 Bettina, I think it's D-w--o-r. I think she 23 A. No, they reported to Mary. 23 came on later. I know there was another 24 Q. And do you know about how many people 24 individual or two, but I just can't recall the

	Page 77		Page 78
1	names.	1	responsible for ensuring the onboarding, the
2	Q. So the people that you're thinking	2	compliant onboarding of, of customers, you know,
3	of, were they all located in New Jersey?	3	ensuring, you know, and, you know, the order
4	A. Yes, sir.	4	management process for on the commercial
5	Q. All right. And do you have an	5	side.
6	understanding of, before you started, whether	6	Q. You used the term "onboarding."
7	the entire order management team was it located	7	What does that mean in the context of
8	in New Jersey or were they in New Jersey and	8	your work?
9	other places?	9	A. Doing due diligence, vetting.
10	A. You know, now when I think back on	10	Q. So is that when Watson first took on
11	it, I believe Mary, as well as there was an	11	a new customer or something else?
12	individual, Judy Callahan, who worked for Mary	12	A. Yes.
13	as well too, they both came over from the	13	Q. All right. And then can you think
14	Corona, California, facility. So that call	14	of any other responsibilities that Ms. Woods
15	center may have been in Corona, and it	15	had?
16	eventually transitioned to New Jersey.	16	
17	Q. With regard to the let me start	17	A. No, I I can't speak to what her specific job functions are.
18	over.	18	
19	With regard to Mary Woods, what was	19	Q. All right. So you can set this aside for now.
20	her role with regard to the order of the	20	
21	management team?	21	MR. EGLER: You guys want to take a
22	A. Mary had responsibility for customer	22	break?
23	customer service capacity, but also on the	23	MR. LUXTON: Yeah, it's probably a
24	order management side, she would have been	24	good time. THE VIDEOGRAPHER: The time is
	order management state, site weath and coord	24	THE VIDEOGRAPHER: The time is
	Page 79		Page 80
			rage ou
1	approximately 10:23 a.m. We are going off	1	A. Um-hmm.
1 2		1 2	
	approximately 10:23 a.m. We are going off		A. Um-hmm.
2	approximately 10:23 a.m. We are going off the record.	2	A. Um-hmm.Q. Is the master data administrator, as
2	approximately 10:23 a.m. We are going off the record. (Recess is taken.)	2 3	A. Um-hmm. Q. Is the master data administrator, as you think about it, about the same thing as the
2 3 4	approximately 10:23 a.m. We are going off the record. (Recess is taken.) THE VIDEOGRAPHER: The time is	2 3 4	A. Um-hmm. Q. Is the master data administrator, as you think about it, about the same thing as the order management team we are talking about?
2 3 4 5	approximately 10:23 a.m. We are going off the record. (Recess is taken.) THE VIDEOGRAPHER: The time is approximately 10:47 a.m., and we are back	2 3 4 5	A. Um-hmm. Q. Is the master data administrator, as you think about it, about the same thing as the order management team we are talking about? A. Yes.
2 3 4 5 6	approximately 10:23 a.m. We are going off the record. (Recess is taken.) THE VIDEOGRAPHER: The time is approximately 10:47 a.m., and we are back on the record.	2 3 4 5 6	 A. Um-hmm. Q. Is the master data administrator, as you think about it, about the same thing as the order management team we are talking about? A. Yes. Q. So as you go through the columns
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Page 81 Page 82 1 O. And then it states, "The master data 1 it, in the customer service organization that 2 2 administrator will review the SOMS report and we've been talking about? 3 then, if warranted, contact the customer to A. Yeah, but on the order management 3 4 confirm the quantity ordered, verify the reason 4 side, yes. 5 for a larger or more frequent order." 5 Q. Okay. And as I'm thinking about it, 6 The next one is: "Once this SOMS 6 as, as opposed to, or just to be sure, they 7 report is confirmed" --7 weren't in the DEA affairs group at that time? 8 MR. LUXTON: Can someone put the 8 A. Right. They were a customer-facing 9 phone on mute? We're getting background 9 group. 10 noise. 10 Q. Okay. So the next one there, the BY MR. EGLER: data -- "The master data administrator will be 11 11 Q. "Once the SOMS report is confirmed 12 responsible to ensure that pending sales orders 12 and verified by the customer, the SOMS report is on hold due to suspicious order SOMS violation 13 13 signed and marked with a reason code by the 14 are investigated." 14 15 master data administrator and submitted to the 15 And then 1.7 is: "The matter data 16 manager for review and signature." 16 administrator will release pending orders due to 17 In the context of this document, do 17 SOMS violations by canceling the order or you have an understanding of who the manager 18 reducing the quantity per SOMS procedure." 18 19 would be? 19 And then the next one is: "If the 20 20 SOMS violation cannot be resolved by cancelling A. It could have been, depending on the 21 time, it could have been Julie Callahan. It 21 the order or reducing the quantity, the master 22 could have been Sandy Simmons. 22 data administrator will escalate the suspicious 23 Q. Okay. So with regard to Ms. Callahan 23 order to the next level." 24 and Ms. Simmons, were they all, as you think of 24 And then it goes to the term, "call Page 83 Page 84 center management." 1 substance compliance department." And 1.11 has 1 2 Do you see that there? 2 words that are struck out and then words that 3 A. Yes. 3 are underlined that are supposed to be replacing 4 Q. And it says, 1.9, under Call Center 4 the words that are struck out. 5 Management, "Determine if the order does or does 5 The words that are struck out are: 6 not classify as suspicious." 6 "The controlled substance compliance department 7 7 will be responsible for reporting the order to And so, again, as you think about 8 this time, June 2009, was the call center 8 the Drug Enforcement Administration." 9 management group at Watson under the DEA affairs 9 A. Um-hmm. 10 department or some other department? 10 Q. And then the new words are: "Upon 11 A. No, they were within the customer 11 confirmation that the order is suspicious, the 12 service group. 12 controlled substance compliance department will be report" -- "will be responsible for reporting 13 Q. All right. And then on 1.10, it 13 the order to the Drug Enforcement Administration 14 states: "If a valid reason, based on objective 14 criteria does not exist, order will be deemed as and the applicable state Board of Pharmacy. The 15 15 16 a suspicious order and will not be filled. Department of Regulatory Affairs will also 16 17 Report suspicious issue to controlled substance 17 report the incident to FDA within three business 18 18 compliance department." days." 19 Now that controlled substance 19 Do you see that there? 20 2.0 compliance department, is that your group? A. Yes, sir. 21 A. Yeah. That was the group I was 21 Q. Do you remember this proposed 22 2.2 transitioning to at the time. change -- going back again, understanding it's ten years ago, do you remember that proposed 23 Q. Okay. And then the next one there, 23 24 it states, on the left-hand side, "Controlled 24 change being proposed?

Page 85 Page 86 eventually handled by my DEA affairs group. 1 A. No. 1 2 Q. All right. And then do you remember 2 Q. And as you think about that change, 3 whether that process that's underlined there was 3 and the decision being moved to the DEA affairs 4 ever -- ever adopted? 4 group, do you remember why that change was made? 5 5 A. It was. A. I think we were the appropriate 6 Q. All right. Then the last one goes 6 organization, being a compliance organization, 7 back to the master data administrator. It's 7 to make that determination. 8 1.12. "File a copy of the SOMS report along 8 Q. Right. 9 with the customer purchase order and the 9 Do you know when that change was suspicious order record file." 10 10 made? 11 So with regard to these procedures 11 A. I do not. 12 that are listed there, as you think about them Q. Do you remember ever having a 12 13 and as I read them, did some or many of the them discussion about making that change? 13 14 change while you were at Watson and then 14 A. I do not. 15 Actavis? 15 Q. And as you think about the A. Yes. 16 16 organization that this responsibility was 17 Q. So especially with regard to looking shifted to, the 1.9 listed there, who in your 17 at the classification of determining if the 18 18 organization would have been primarily 19 order does or does not classify as suspicious, 19 responsible for determining if an order does or 20 in this procedure, it's listed as being under 20 does not classify as suspicious once that 21 the call center management's organization. responsibility was transferred to them? 21 22 Did that change at some point? 2.2 A. There would be an investigation 23 A. Yes, because the decision to 23 process that would be conducted by an auditor or 24 determine if an order was suspicious was 2.4 investigator on my staff, and we would meet and Page 87 Page 88 review the facts of the issue, and I would 1 1 A. Yes, sir. 2 ultimately make the determination. 2 Q. All right. And with regard -- as you 3 Q. So the auditor/investigator that you 3 think about it with regard to the processes that 4 mentioned, how many -- during your time at 4 the auditor/investigator would undertake, once 5 Watson, how many auditor/investigators did you 5 they were given an order to make the 6 6 determination of, what would they do? have? 7 7 A. If there was an order that pended in A. Two primary. And we also had an 8 individual who was part of our global security 8 the system of an order of interest that couldn't 9 team who was a trained investigator who served 9 be resolved at the level by order management, 10 10 our auditor/investigator would reach out to the as a backup. 11 Q. Who were the two primary auditor 11 customer, to the compliance person. 12 investigators? 12 In some cases on the order management 13 A. We first had Lisa Scott and then Will 13 side, they're -- they might be talking to 14 Simmons. Our security auditor was Jeff Collins. 14 someone on the other side who is placing the 15 order who is not necessarily a compliance Q. So with regard to Ms. Scott and 15 16 person. So our person, our auditor, would pick Simmons, were they ever in their respective 16 17 17 up the phone. And we had strong relationships positions as auditor investigators at the same time? 18 18 with all our customers. We knew who the 19 A. No. 19 compliance people were. We would reach out to 20 20 Q. So with regard to the the compliance person for that customer and have 21 auditor/investigator role, as you think of it 21 a conversation with them, explain that their 22 while you were at Watson and then at Actavis, 22 order had pended, and try to ascertain or obtain 23 there was one primary auditor/investigator at 23 justification. 24 24 Was there a new customer that came on any given time?

	Page 89		Page 90
1	board, has there been an issue within the	1	A. I met with the gentleman seated next
2	market, an inventory build for a launch or	2	to me, just to really go through what is
3	something, and try to ascertain what the	3	entailed in a deposition, kind of the process.
4	business rationale was for the increase in the	4	Q. Have you ever given a deposition
5	order.	5	before?
6	Q. So with regard to the justifications	6	A. Civilly. It would be many years ago.
7	that you're thinking of, when an issue was	7	Q. About when was it?
8	raised to the auditor/investigator level, if	8	A. 1990s. It was a personal injury
9	they reached out to the customer at any level,	9	thing.
10	would they be required to have some type of	10	Q. Have you ever given testimony under
11	documentary evidence or other evidence to	11	oath in a court of law?
12	demonstrate the facts that the customer was	12	A. No, sir.
13	giving them?	13	Q. All right. Did you talk with anyone
14	MR. KNAPP: Objection to form.	14	other than your counsel about the deposition
15	A. I don't know if in all cases, but	15	today?
16	there you know, where we could obtain	16	A. My wife.
17	documented information, we we could.	17	Q. All right. Anyone else?
18	Q. All right. You can set this document	18	A. No.
19	aside.	19	Q. Okay. So I'm going to hand you what
20	(Witness complies.)	20	we'll mark as Exhibit 5.
21	BY MR. EGLER:	21	A. Can I correct I did have a
22	Q. And before we get to the next	22	conversation with Mary Woods.
23	document, I wanted to ask you, before today, did	23	MR. LUXTON: You should correct that,
24	you do any preparation for the deposition?	24	yeah.
	Page 91		Page 92
			rage 72
1	A. I think that needs to be corrected.	1	for identification, as of this date.)
1 2	A. I think that needs to be corrected.Q. Sure.	1 2	
			for identification, as of this date.)
2	Q. Sure.	2	for identification, as of this date.) A. Yes.
2	Q. Sure.A. Last week I had a half-hour call with	2 3	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while
2 3 4	Q. Sure.A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition.	2 3 4	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use
2 3 4 5	Q. Sure.A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition.Q. What did she tell you?	2 3 4 5	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program?
2 3 4 5	Q. Sure.A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition.Q. What did she tell you?A. She was just looking for some	2 3 4 5 6	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall.
2 3 4 5 6 7	 Q. Sure. A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition. Q. What did she tell you? A. She was just looking for some clarification, procedural clarifications from 	2 3 4 5 6 7	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall. Q. We had a conversation last week with
2 3 4 5 6 7 8	 Q. Sure. A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition. Q. What did she tell you? A. She was just looking for some clarification, procedural clarifications from when we administered the SOMS program. Nothing 	2 3 4 5 6 7 8	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall. Q. We had a conversation last week with Ms. Woods about Microsoft OneNote, and this
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. Sure. A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition. Q. What did she tell you? A. She was just looking for some clarification, procedural clarifications from when we administered the SOMS program. Nothing about the deposition. Q. Is it fair to say she asked you questions in preparation for her deposition? A. Correct. Q. All right. Great. Thank you. A. You're welcome. Q. And I'll hand you what we'll mark as Exhibit 5. A. Sure. Q. Mr. Napoli, can you look generally at Exhibit 5. As you're looking at it, I'll read 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall. Q. We had a conversation last week with Ms. Woods about Microsoft OneNote, and this appears to be a document that's formatted as a OneNote document. But that said, as you look at this document, it's dated the first entry at the top of the document is dated Wednesday, June 23rd, 2010. A. Um-hmm. Q. And it states, "Customer communications for SOMS." As you read through this, it has the word or the name "Laura Pinti? A. Um-hmm. Q. Who is Laura Pinti?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. Sure. A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition. Q. What did she tell you? A. She was just looking for some clarification, procedural clarifications from when we administered the SOMS program. Nothing about the deposition. Q. Is it fair to say she asked you questions in preparation for her deposition? A. Correct. Q. All right. Great. Thank you. A. You're welcome. Q. And I'll hand you what we'll mark as Exhibit 5. A. Sure. Q. Mr. Napoli, can you look generally at Exhibit 5. As you're looking at it, I'll read into the record. It's Bates-stamped 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall. Q. We had a conversation last week with Ms. Woods about Microsoft OneNote, and this appears to be a document that's formatted as a OneNote document. But that said, as you look at this document, it's dated the first entry at the top of the document is dated Wednesday, June 23rd, 2010. A. Um-hmm. Q. And it states, "Customer communications for SOMS." As you read through this, it has the word or the name "Laura Pinti? A. Um-hmm. Q. Who is Laura Pinti? A. Laura Pinti also worked in Mary
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Sure. A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition. Q. What did she tell you? A. She was just looking for some clarification, procedural clarifications from when we administered the SOMS program. Nothing about the deposition. Q. Is it fair to say she asked you questions in preparation for her deposition? A. Correct. Q. All right. Great. Thank you. A. You're welcome. Q. And I'll hand you what we'll mark as Exhibit 5. A. Sure. Q. Mr. Napoli, can you look generally at Exhibit 5. As you're looking at it, I'll read into the record. It's Bates-stamped ALLERGAN_MDL_03738524 through 8528.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall. Q. We had a conversation last week with Ms. Woods about Microsoft OneNote, and this appears to be a document that's formatted as a OneNote document. But that said, as you look at this document, it's dated the first entry at the top of the document is dated Wednesday, June 23rd, 2010. A. Um-hmm. Q. And it states, "Customer communications for SOMS." As you read through this, it has the word or the name "Laura Pinti? A. Um-hmm. Q. Who is Laura Pinti? A. Laura Pinti also worked in Mary Woods's group.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Sure. A. Last week I had a half-hour call with counsel and Mary Woods regarding deposition. Q. What did she tell you? A. She was just looking for some clarification, procedural clarifications from when we administered the SOMS program. Nothing about the deposition. Q. Is it fair to say she asked you questions in preparation for her deposition? A. Correct. Q. All right. Great. Thank you. A. You're welcome. Q. And I'll hand you what we'll mark as Exhibit 5. A. Sure. Q. Mr. Napoli, can you look generally at Exhibit 5. As you're looking at it, I'll read into the record. It's Bates-stamped ALLERGAN_MDL_03738524 through 8528. (Napoli Exhibit 5, Document entitled	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for identification, as of this date.) A. Yes. Q. When you're ready, I ask you, while you were at Actavis and Watson, did you ever use the, use Microsoft note taking program? A. Not that I recall. Q. We had a conversation last week with Ms. Woods about Microsoft OneNote, and this appears to be a document that's formatted as a OneNote document. But that said, as you look at this document, it's dated the first entry at the top of the document is dated Wednesday, June 23rd, 2010. A. Um-hmm. Q. And it states, "Customer communications for SOMS." As you read through this, it has the word or the name "Laura Pinti? A. Um-hmm. Q. Who is Laura Pinti? A. Laura Pinti also worked in Mary

Page 93 Page 94 language be sent to customers when a SOMS order 1 around this time, mid-2010? 1 2 A. I don't. 2 pended? 3 O. And Ms. Pinti writes, "Effective 3 A. Sure. 4 today, please implement the following format for 4 In addition to the header that is 5 all SOMS orders that require additional 5 indicated in the "Dear Customer" highlighted 6 information from the customer." 6 paragraph, the Tom's paragraph is essentially a 7 Then it has, "Dear Customer," and 7 verbatim quote from CFR 1301.74 which details a 8 then it says, "Merge Tom's email into this 8 registrant's obligation to report orders of 9 paragraph. Thank you for your recent controlled 9 suspicious, order of pattern of frequency and 10 substance order. The order is currently under 10 size, and just detailing the regulations for the 11 review. In effort to complete the review customers to why we're doing it. And it's a 11 12 process, please take a moment to complete the regulatory requirement. It needs to be complied 12 13 following questions below that will assist us in 13 completing the necessary review process. Your 14 14 Q. All right. So then there are various 15 immediate response is required to expedited the 15 entries underneath that paragraph and it says, order review procedure." 16 16 "Reason for Increase." And then there are 17 And then it states, "In accordance numbered explanations there. Two under "New 17 with CFR and then an ellipsis, and then it says, 18 18 Contract" and two under "Promotion" and two 19 in parentheses, "Tom's paragraph." 19 under "New Customer" and two for "Adding Product 20 Do you think the "Tom" they're 20 to Product Line." 21 referring to there is you? 21 Do you know who would have come up 22 A. Yes. 22 with that data there? 23 Q. All right. So do you remember having 23 A. Likely Mary and her team. a discussion around this time of what type of 24 2.4 Q. All right. And then going down Page 95 Page 96 further in this page, it's highlighted there, it Q. Do you remember writing that 1 1 2 states, "Tie the 852 data to Suspicious Order 2 paragraph that appears there starting with, "In 3 Monitoring." 3 accordance with 21 CFR 1301.74"? 4 In the context of your work at Watson 4 A. Yes. 5 Q. So this is June 2010, right? 5 and Actavis, do you have an understanding of 6 what that would mean? 6 A. Um-hmm. 7 7 Q. And at this time, you had been in A. 852 data in the parlance of SAP or 8 it's called EDI, electronic data interchange, so 8 your position with the DEA affairs group for 9 it's a standard language or a protocol for a 9 about a year, is that fair to say? 10 supply chain. I don't know if it's exclusive 10 A. Just about, yes. 11 to, to the pharma industry. But essentially I 11 Q. Before you started your position with 12 believe 852 data tells you what a specific 12 the DEA affairs, what training, if any, did you have with regard to the Suspicious Order 13 customer has on hand in their warehouse. 13 14 Q. As you think of the 852 data, would 14 Monitoring processes? 15 that be information about the -- Watson's direct 15 A. Consistent attendance with the Cegedim/Buzzeo group, their education. And they 16 customers or would it be information about the 16 17 17 spent a lot of time on Suspicious Order distributor's customers or something else? A. Direct customers. We would only have 18 18 Monitoring. It was very important to them. 19 access to that. 19 Obviously as a consultant. But they provided 20 Q. And then go on to the next page of 2.0 excellent training. 21 this document. It has the word "Tom's verbiage" 21 Also the DEA on almost an -- at one 22 22 time, was almost on an annual or biannual basis, 23 Do you see that? 23 the DEA would host conferences for the various registrant populations, whether it be 24 A. Um-hmm. 24

1 Q. And then she writes an email to 2 Victoria Lepore, L-e-p-o-r-e, and Larry E. 3 Schaffer? 4 A. Schaffer. 5 Q. And she cc's Mary Woods, Laura Pinti, 6 you, Lynn DaCunha, and Ione Graziosi can 7 you 8 A. Graziosi. 9 Q. That's G-r-a-z-i-o-s-i. 10 A. Correct. 10 And she states, Ms. Scotts states, 11 Likely not doing business over that period, so		Page 97		Page 98
2 exporters. And I attended consistently those 3 conferences as well too dealing directly with 4 the DEA in understanding the regulations and the 5 expectations of the Drug Enforcement 6 Administration. 7 Q. Can you think of any other training 8 you had? 9 A. There may have been some other 10 private industry training, but also, you know, 11 certainly a large component of any job is 12 on-the-job training as well too. So when my 13 predecessor was transitioning out, as well as 14 folks I had on staff, I would learn from them as 15 well, too. 16 Q. Then after you took the job as the 17 head of DEA affairs, did you have any further 18 training on Suspicious Order Monitoring systems? 19 A. Just the continued education through 20 Buzzeo, DEA, and practical experience as I got into the role. 21 Q. With regard to the NJPIG group that 22 we had been discussing, at their meetings, did they discuss Suspicious Order Monitoring 24 they discuss Suspicious Order Monitoring 25 Q. And then she writes an email to 26 Victoria Lepore, Ie.p-ot-re, and Larry F. 27 Q. And then she writes an email to 28 Vou, Lyan DaCunha, and Ione Graziosi — can you — 29 Q. And she ce's Mary Woods, Laura Pinti, you, Lyan DaCunha, and Ione Graziosi — can you. 30 And she states, Ms. Scotts states, 31 PYI, as discussed during our 10:00 [sic] a m. 31 EST meeting today, we have come to the following a agreement. Any order placed on June 21st, 22nd, or 23rd by ABC, Cardnal, McKesson or HD Smith that is held by the system pending on SOMS 4 Tree or any order many order dates only." 4 Or a draft states or any order placed on June 21st, 22nd, or or 23rd by ABC, Cardnal, McKesson or HD Smith that is held by the system pending on SOMS 5 Treview will not require customer contact for order justification and DEA affairs reviews. 5 These orders may be released. This agreement applies specifically to these customers and 20 parties of the date, it's just prior to 4th of 20 parties provided in the took of the product of the provided in the would be and rationalizing	1	manufacturers, distributors, importers,	1	systems?
3 conferences as well too dealing directly with the DEA in understanding the regulations and the est expectations of the Drug finforcement of expectations of the Drug finforcement of the properties of the provided in the provided pro	2	_	2	-
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7 Q. Can you think of any other training 8 you had? 9 A. There may have been some other 10 private industry training, but also, you know, 11 certainly a large component of any job is 12 on-the-job training as well too. So when my 13 predecessor was transitioning out, as well as 14 folks I had on staff, I would learn from them as 15 well, too. 16 Q. Then after you took the job as the 17 head of DEA affairs, did you have any further 18 training on Suspicious Order Monitoring systems? 19 A. Just the continued education through 20 Buzzeo, DEA, and practical experience as I got 21 into the role. 22 Q. With regard to the NJPIG group that 23 we had been discussing, at their meetings, did 24 they discuss Suspicious Order Monitoring systems? 25 A. Yes. 26 Q. Then after you took the job as the 27 training on Suspicious Order Monitoring systems? 28 training on Suspicious Order Monitoring systems? 29 A. Just the continued education through 20 Buzzeo, DEA, and practical experience as I got 21 into the role. 22 Q. With regard to the NJPIG group that 23 we had been discussing, at their meetings, did 24 they discuss Suspicious Order Monitoring 29 Page 99 20 And she set with a fall with a fal				
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21 order dates only." 21 would be and rationalizing them and				
= 20 Jou remember and email from 22 understanding that next order cycle, there				
23 Ms. Scott? 23 wouldn't be an order because it would it				
24 A. I don't. 24 would flatten out.				
2.7 North Would Hatter out.	21	11. 1 00111.	""	would Hattell Out.

Page 101 Page 102 1 So just discussing -- discussing the 1 With regard to the SOMS system at 2 rationale prior to a holiday, it's not uncommon 2 Watson and then at Actavis, the SOMS system 3 at the end of year or midyear. 3 applied to every controlled substance drug; is 4 Q. Do you remember whether this type 4 that right? 5 of -- this type of process was used every year 5 A. Yes, sir. 6 around the 4th of July holiday as you mentioned? Q. And that would be Schedule II through 6 7 A. There, there typically were 7 V; is that right? 8 conversations with customers regarding when 8 A. Correct. 9 there was going to be a period of shutdown or an 9 Q. And as you think of it, were -- was interruption to the normal order -- ordering 10 there any time at Watson or Actavis where one 10 schedule of drug was treated differently from 11 pattern. 11 12 Q. So I think you mentioned the 4th of the other schedules of drugs by the Suspicious 12 13 July and then the winter holidays. Order Monitoring System? 13 14 Is there any other time of year that 14 A. Within the Suspicious Order 15 you can think of that this would occur? 15 Monitoring System, it was all -- you know, a 16 A. Not necessarily, unless a product was 16 controlled drug was a controlled drug. 17 seasonal. You know, you had some products that 17 Q. So, for example, Schedule II drugs were, you know, during a particular cold and flu 18 wouldn't be treated any differently from 18 19 season or if -- children are going back to 19 Schedule III, IV or V drugs? 20 20 school, for certain products, there would be a A. Right. 21 seasonality, so increases might be out of the 21 Q. Do you remember whether particular 22 22 opioids were ever treated differently from all ordinary. Q. And that leads me to the next 23 23 the other scheduled drugs? 24 question. 24 MR. KNAPP: Objection to form. Page 103 Page 104 1 1 A. No. (Document review.) 2 Q. So just so we're clear, you don't 2 A. I definitely recognize the document. 3 think they ever were, or you don't remember 3 Q. So starting with the first page of 4 either way? 4 this exhibit, page 063, is that an email from 5 MR. KNAPP: Same objection. 5 Lisa Scott to you? 6 A. I don't recall. 6 A. Yes. 7 7 Q. All right. You can set this document Q. And she sends it on Tuesday, February 8 aside. 8 2nd, 2010, at 11:47 a m., which says -- the 9 subject is "Presentation," and it says, "Tom, 9 (Witness complies.) 10 see attached, Scotty." 10 (Napoli Exhibit 6, Email dated 2/2/10 11 11 from L. Scott to T. Napoli with attachment, 12 Q. Do you remember whether Ms. Scott 12 ALLERGAN MDL 01236063 through 6094, marked 13 for identification, as of this date.) 13 sent you this particular presentation around BY MR. EGLER: 14 that time, early February, 2010? 14 15 A. I don't have a specific recollection 15 Q. I'm going to hand you what we will 16 of it. 16 mark as Exhibit 6. 17 Q. So on the next page, page 064 begins 17 Mr. Napoli, can you look at what the attachment to the email, which appears to be 18 18 we'll mark Exhibit 6? While you're looking at 19 a PowerPoint presentation, and states, "DEA 19 it, I'll read into the record. It's 20 affairs organizational overview," and it says 20 ALLERGAN_MDL_01236063 through 6094. 21 "Thomas Napoli, CCP, U.S. generics, February 2.1 When you're ready, can you tell me 22 2nd, 2010." 22 whether you remember ever seeing the document 23 Do you see that there? 2.3 that appears on the second page of this exhibit 24 A. Yes. 24 through the end?

	Page 105		Page 106
1	Q. So did you make this presentation to	1	there any training on Suspicious Order
2	somebody or a group of people in Florida in	2	Monitoring systems?
3	early February of 2010?	3	A. No.
4	A. It's possible.	4	Q. When did you receive the
5	Q. Do you remember making this	5	certification from the American Society of
6	presentation to a group of people in early 2010?	6	Industrial Security?
7	A. I don't.	7	A. Mid-2000s.
8	Q. Okay. So next to your name there, it	8	Q. So then below there it states, "U.S.
9	says "CPP."	9	generics."
10	What does that stand for?	10	As you think about that term, what
11	A. That is a board certification in	11	does that mean in the context of this
12	security management from the American Society of	12	presentation?
13	Industrial Security, so the highest designation	13	A. That indicates the division that I
14	you can get in security management.	14	worked for.
15	Q. So that designation from the American	15	Q. All right. As you think of Watson
16	Society of Industrial Security, what was the	16	around this time, early 2010, you identified the
17	subject matter of the certification that you	17	U.S. generics division.
18	received from them?	18	What were the other divisions that
19	A. The subject matter were all aspects	19	you can think of?
20	of physical security.	20	A. There would be generics and, I guess
21	Q. Was the certification specifically	21	brand or commercial.
22	related to pharmaceutical drugs?	22	Q. Okay. Do you know whether any of the
23	A. No.	23	brand or commercial drugs that Watson made at
24	Q. As part of the certification, was	24	this time were controlled substances?
	Page 107		
1	A. There were but very few.	1	goals and objectives."
2	Q. Do you know whether those controlled	2	Reading that, do you does this
3	substances from the brand division would have	3	help you remember who you might have presented
4	been governed by the same Suspicious Order	4	this to in early 2010?
5	Monitoring System that applied to the generics	5	A. No. This was probably presented to a
6	drugs?	6	lot of folks.
7	A. Of course.	7	Q. When you say "a lot of folks," is
8	Q. And as you think of it, was it the	8	that a lot of folks at once or you made this
9	same system or two similar systems?	9	presentation to different groups at different
10	A. Same exact system.	10	times?
11	Q. All right. And would they all let	11	A. Different groups, different times.
12	me start over.	12	Q. All right. As you think of it, in
13	Would all the orders for the	13	2010, can you remember about how many times you
14	controlled substances, as you think of them, be	14	would have made this presentation?
15	passed through that SAP system that we were	15	A. No.
16	talking about earlier today?	16	Q. So turning two pages in on 067, your
17	A. Correct.	17	name appears there. And at the upper left-hand
18	Q. So the next page on this exhibit, 65	18	corner it states, "DEA Affairs Organization
19	states, "Objective" and "Provide an overview of	19	current state"?
20	the DEA affairs team"	20	A. Um-hmm.
		21	Q. And so you were the manager of
21	A. Um-hmm.		
22	Q "who we are, what we do, origins	22	security in DEA affairs; is that right?
22 23	Q "who we are, what we do, origins and path forward, achievements to date,	22 23	security in DEA affairs; is that right? A. Correct.
22	Q "who we are, what we do, origins	22	security in DEA affairs; is that right?

	Page 109		Page 110
1	the organizational chart that appears there, the	1	Gurnee," and then "import control, R&D/new
2	various people and groups, which, if any, would	2	product support."
3	have a responsibility for portions of the	3	A. Right.
4	Suspicious Order Monitoring System around this	4	Q. Of those, which relate to the
5	time, early 2010?	5	Suspicious Order Monitoring System?
6	A. It would have been Ione and Lisa.	6	A. Actually none of them, so it looks
7	Q. And Ione is listed there, Ione	7	like there was a typo and it was left off.
8	Graziosi?	8	Q. Okay. And the term "SLC" for
9	A. Um-hmm.	9	reporting, is that Salt Lake City?
10	Q. And she's a manager DEA affairs?	10	A. Correct.
11	A. Yup.	11	Q. What was in Salt Lake City for Watson
12	Q. And then Lisa Scott is CS auditor?	12	around this time, early 2010?
13	A. Yes.	13	A. They had a broad portfolio of
14	Q. And under Ms. Scott's name, it says,	14	products, controlled and not controlled. From a
15	"Audit program, investigations, agency request,	15	controlled substance standpoint, it would have
16	policy development and inspection support."	16	been the fentanyl patch.
17	A. Um-hmm.	17	Q. And how about Gurnee?
18	Q. As you think of those various terms,	18	A. Gurnee was a distribution center.
19	which of those relate to the Suspicious Order	19	Q. And that is in Illinois; is that
20	Monitoring System?	20	right?
21	A. The auditing investigations.	21	A. Yes. Chicago area.
22	Q. And then under Ms. Graziosi, it says	22	Q. Turning to the next page, which would
23	"quota, site liaison," and then "reporting."	23	be 068, it says "DEA affairs organization, 2010"
24	And then underneath there, it says, "SLC and	24	and your name again appears there.
	Page 111		Page 112
1	A. Um-hmm.	1	Q. And you write, "Department renamed
2	Q. As you look at this organizational	2	security and DEA affairs and that created
3	chart, do any of the people have any	3	synergy where silos previously existed."
4	responsibility for the Suspicious Order	4	That second term
5	Monitoring System?		
6		5	A. Sure.
0	A. Again, it would have been Lisa and	6	Q "created synergies where silos
7	A. Again, it would have been Lisa and the proposed lead, because Ione, not being part		
	the proposed lead, because Ione, not being part of the team at the time.	6	Q "created synergies where silos previously existed," what does that mean?A. When I articulated earlier that there
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the proposed lead, because Ione, not being part of the team at the time. Q. All right. So going further into this document, if you'll turn to page 072. So 072 and 073 face each other and it states at the top of 072 "Origins." Do you see that there? A. Yes, I do. Q. It says, "Senior management decision was made to integrate the former C/S compliance department into the security department in April of 2009." That date, April of 2009, is that when you became involved in the DEA affairs group?	6 7 8 9 10 11 12 13 14 15 16 17 18	Q "created synergies where silos previously existed," what does that mean? A. When I articulated earlier that there was a decision made to merge the compliance group with global security is because if you look at the DEA regulations and the code of and the CFR, there is a very strong security component to it. So it made sense because of those synergies that the large security component to the CFR to merge the two organizations because previously reporting through separate organizations, there it could inhibit effective communication. Q. So if you go further into this document, going to, sorry, page 085, and it states: "Achievements to date, continued."
7 8 9 10 11 12 13 14 15 16 17 18 19 20	the proposed lead, because Ione, not being part of the team at the time. Q. All right. So going further into this document, if you'll turn to page 072. So 072 and 073 face each other and it states at the top of 072 "Origins." Do you see that there? A. Yes, I do. Q. It says, "Senior management decision was made to integrate the former C/S compliance department into the security department in April of 2009." That date, April of 2009, is that when you became involved in the DEA affairs group? A. I don't know if it was the exact	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q "created synergies where silos previously existed," what does that mean? A. When I articulated earlier that there was a decision made to merge the compliance group with global security is because if you look at the DEA regulations and the code of and the CFR, there is a very strong security component to it. So it made sense because of those synergies that the large security component to the CFR to merge the two organizations because previously reporting through separate organizations, there it could inhibit effective communication. Q. So if you go further into this document, going to, sorry, page 085, and it states: "Achievements to date, continued." A. Yup.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the proposed lead, because Ione, not being part of the team at the time. Q. All right. So going further into this document, if you'll turn to page 072. So 072 and 073 face each other and it states at the top of 072 "Origins." Do you see that there? A. Yes, I do. Q. It says, "Senior management decision was made to integrate the former C/S compliance department into the security department in April of 2009." That date, April of 2009, is that when you became involved in the DEA affairs group? A. I don't know if it was the exact time, but it would have been around then or	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q "created synergies where silos previously existed," what does that mean? A. When I articulated earlier that there was a decision made to merge the compliance group with global security is because if you look at the DEA regulations and the code of and the CFR, there is a very strong security component to it. So it made sense because of those synergies that the large security component to the CFR to merge the two organizations because previously reporting through separate organizations, there it could inhibit effective communication. Q. So if you go further into this document, going to, sorry, page 085, and it states: "Achievements to date, continued." A. Yup. Q. If you need to, you can look at
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the proposed lead, because Ione, not being part of the team at the time. Q. All right. So going further into this document, if you'll turn to page 072. So 072 and 073 face each other and it states at the top of 072 "Origins." Do you see that there? A. Yes, I do. Q. It says, "Senior management decision was made to integrate the former C/S compliance department into the security department in April of 2009." That date, April of 2009, is that when you became involved in the DEA affairs group? A. I don't know if it was the exact	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q "created synergies where silos previously existed," what does that mean? A. When I articulated earlier that there was a decision made to merge the compliance group with global security is because if you look at the DEA regulations and the code of and the CFR, there is a very strong security component to it. So it made sense because of those synergies that the large security component to the CFR to merge the two organizations because previously reporting through separate organizations, there it could inhibit effective communication. Q. So if you go further into this document, going to, sorry, page 085, and it states: "Achievements to date, continued." A. Yup.

I	Page 113		Page 114
1	ask you about the one that appears under ARCOS.	1	very manually intensive process, so I think
2	Do you see that there?	2	there were probably some fat finger mistakes.
3	A. Um-hmm.	3	So I think we probably reduced the amount of
4	Q. What is ARCOS?	4	mistakes because you get errors reports from the
5	A. ARCOS is the Automated Records and	5	DEA. So it's probably an enhancement in the
6	Consolidation Ordering System, I think.	6	process.
7	Q. Okay. Was your group at Watson	7	Q. All right. And then you state,
8	around this time, 2010, responsible for the	8	"Florida program implemented."
9	reporting of any ARCOS data?	9	Do you remember what that meant?
10	A. We supported yes, the, the ARCOS	10	A. Sure.
11	reporting for sites as well as for our	11	The Florida program was that there
12	distribution center.	12	were Florida and subsequently other states
13	Q. All right. When you say the "sites,"	13	sought to receive ARCOS reporting for products
14	is that the manufacturing sites?	14	distributed into their states so they'd have a
15	A. Correct.	15	view of products being distributed by a
16	Q. All right. So and then there's	16	particular manufacturer into their state.
17	two bullet points there, "data integrity" and	17	Q. All right. So is it fair to say,
18	"Florida program implemented."	18	then, that the State of Florida would receive
19	Do you have a memory as to what the	19	the same data that Watson sent to the DEA?
20	data integrity achievement was?	20	A. Yes.
21	A. Sure.	21	Q. All right. So going to the next
22	Data integrity I think was probably	22	page, it states "Compliance Landscape"?
23	a more accuracy in the reporting, because	23	A. Um-hmm.
24	sometimes the at that time, it was a manual,	24	Q. This is page 086 of Exhibit 6.
21	sometimes the at that time, it was a maintain,		10
	Page 115		Page 116
1	"In 2008, 6.2 Americans used	1	discussion about the non-medical use of
2	prescription-type psychotherapeutic drugs for	2	prescription pain relievers tied with marijuana
3			prescription pain renevers tied with marijuana
	non-medical purposes in a one-month period.	3	as having the highest rate of new abusers around
4	non-medical purposes in a one-month period. 2.5	3 4	
4 5			as having the highest rate of new abusers around
	2.5	4	as having the highest rate of new abusers around this time?
5	2.5 (Interruption.)	4 5	as having the highest rate of new abusers around this time? A. No. I mean, this would have been
5 6	2.5 (Interruption.) BY MR. EGLER:	4 5 6	as having the highest rate of new abusers around this time? A. No. I mean, this would have been information directly taken from DEA.
5 6 7	2.5 (Interruption.) BY MR. EGLER: Q. "In 2008, 6.2 million Americans used	4 5 6 7	as having the highest rate of new abusers around this time? A. No. I mean, this would have been information directly taken from DEA. Q. The next section there states, "Drugs
5 6 7 8	2.5 (Interruption.) BY MR. EGLER: Q. "In 2008, 6.2 million Americans used prescription-type psychotherapeutic drugs for non-medical purposes in a one-month period, 2.5 percent population."	4 5 6 7 8	as having the highest rate of new abusers around this time? A. No. I mean, this would have been information directly taken from DEA. Q. The next section there states, "Drugs most frequently implicated in non-medical use,"
5 6 7 8 9	2.5 (Interruption.) BY MR. EGLER: Q. "In 2008, 6.2 million Americans used prescription-type psychotherapeutic drugs for non-medical purposes in a one-month period, 2.5 percent population." And then in bullet points you say,	4 5 6 7 8 9	as having the highest rate of new abusers around this time? A. No. I mean, this would have been information directly taken from DEA. Q. The next section there states, "Drugs most frequently implicated in non-medical use," and then in parentheses "2004 through 2006." And can you pronounce the next word that appears next to the bullet?
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	2.5 (Interruption.) BY MR. EGLER: Q. "In 2008, 6.2 million Americans used prescription-type psychotherapeutic drugs for non-medical purposes in a one-month period, 2.5 percent population." And then in bullet points you say, "More than cocaine, heroin, hallucinogens" "hallucinogens and inhalants combined." And then in the next one, it says "Non-medical use of prescription pain relievers tied with marijuana as having the highest rate of new abusers, 2.2 million." Do you remember why you would have written that here? A. Yeah, communicating the compliance landscape to our audience to and to stress the importance of, you know, our compliance	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	as having the highest rate of new abusers around this time? A. No. I mean, this would have been information directly taken from DEA. Q. The next section there states, "Drugs most frequently implicated in non-medical use," and then in parentheses "2004 through 2006." And can you pronounce the next word that appears next to the bullet? A. Benzodiazepines. Q. Okay. MR. KNAPP: Nice job. THE WITNESS: Thank you. BY MR. EGLER: Q. So that's hydrocodone, and can you pronounce that word? A. Alprazolam. Q. All right. A. Actually, hydrocodone doesn't belong in there. That's, that's not a benzodiazepine.

	Page 117		Page 118
1	A. Correct.	1	hydrocodone by Watson?
2	Q. And it says "36 percent increase."	2	MR. LUXTON: Object to the form.
3	A. Um-hmm.	3	MR. EGLER: Well, let me start over.
4	Q. And then it states,	4	That was a bad question because Watson
5	"Hydrocodone/combinations, 44 percent increase"?	5	probably didn't use it as a non-medical
6	A. Um-hmm.	6	way.
7	Q. And then, "Oxycodone/combinations,	7	A. No.
8	primarily OxyContin, 56 percent increase"?	8	Q. So do you remember whether there was
9	A. Um-hmm.	9	any initiatives or endeavors to address the high
10	Q. Do you remember why you would have	10	rate of non-medical use of Americans of
11	written that down?	11	hydrocodone at Watson around this time frame?
12	A. I certainly wanted to give	12	A. Our efforts certainly at that time
13	perspective to the audience of the issues that	13	and throughout my tenure were focused on
14	were going on today in the, you know, in the	14	ensuring that, as a DEA registrant, that we had
15	landscape.	15	effective controls in place throughout our
16	Q. Do you remember around this time	16	entire controlled substance lifecycle to reduce
17	whether Watson made generic OxyContin?	17	the opportunity for theft or diversion.
18	A. We did not.	18	Q. Okay. So going further into this
19	Q. Do you remember around this time	19	document, can you look two pages in at 089?
20	whether Watson made generic hydrocodone?	20	A. Sure.
21	A. We did.	21	Q. You state, "Our products are among
22	Q. Do you remember whether there were	22	the most commonly-prescribed for legitimate
23	any particular endeavors around this time,	23	medical use in the U.S."
24	February 2010, to address the non-medical use of	24	Do you see that there?
	Page 119		Page 120
1	A. Yes.	1	use, but also there was a rising illicit need as
2	MR. LUXTON: 088?	2	well, too, or demand.
3	MR. EGLER: This is on the previous	3	Q. All right. And then 089, the next
4	page from that, 088.	4	page down, it says, "Challenges continued."
5	BY MR. EGLER:	5	Do you see that?
6	Q. It states, "Our products are among	6	A. Um-hmm.
7	the most commonly-prescribed for legitimate	7	Q. And then it says, "Products include,"
8	medical use in the U.S."	8	and then under "Corona," does that refer to the
9	And it states, "Entered into evidence	9	manufacturing facility in Corona, California?
10	by law enforcement."	10	A. Yes, sir.
11	What did you mean by that?	11	Q. It says, "Hydrocodone."
12	A. What I meant by that was that, you	12	A. Um-hmm.
13	know, that, you know our and the goal of our	13	Q. It says, "Initial quota grant is 25
14	organization, obviously, is we want to reduce,	14	percent of aggregate."
15	you know, pain and suffering for those	15	In the context of your work at
16	individuals who have legitimate chronic pain	16	Watson, what does that mean?
17	issues or acute pain issues and that there is a,	17	A. It would mean 25 percent of all the
18	a largely legitimate need for this product. But	18	hydrocodone produced within the U.S. was
19	also we want to point out that this is not only	19	manufactured.
20	our product but all opioids are also found in	20	Q. Was manufactured at the Corona site?
21	illicit channels as well, too. And there was an	21	A. Yes.
22	increase in law enforcement finding opioids in	22	Q. And then oxycodone, what does that
	illicit channels and also and that there was	23	mean?
23			illeall.
23 24	a demand there was a demand for legitimate	24	A. It just means oxycodone was produced

	Page 121		Page 122
1	at that facility.	1	Q. Was the fentanyl produced at well,
2	Q. Do you remember whether Watson	2	let me start over.
3	marketed oxycodone around this time frame, early	3	A. Right.
4	2010?	4	Q. Were the fentanyl-based products
5	MR. KNAPP: Objection to form.	5	produced at the Corona, California, site for
6	MR. LUXTON: Object to form.	6	Watson in 2010 patches or something else?
7	A. Our products were mainly generic. We	7	A. No, I think those that would have
8	didn't market those products.	8	been very small quantity, if my, if my memory
9	Q. Do you remember whether Watson sold	9	serves. And I think there may have been a
10	generic oxycodone around this time frame?	10	sublingual, but I I'm not 100 percent sure.
11	A. Yes.	11	Q. And a sublingual is something you put
12	Q. With regard to fentanyl, what is	12	under your tongue?
13	fentanyl?	13	A. Yes, sir.
14	A. Fentanyl is a is an opioid. It's	14	Q. And the next word there,
15	a powerful pain management medication. It's	15	methylphenidate?
16	largely used in, you know, serious chronic pain	16	A. Methylphenidate.
17	issues, cancer patients to relieve suffering.	17	Q. Is that an opioid?
18	It was delivered through a Duragesic or a patch	18	A. No. That's Ritalin.
19	so it can last for longer periods so it could	19	Q. And then the next one there, diazepam
20	deliver a sustained dose to a patient so there	20	and lorazepam?
21	would be no lull in the dosage as far as if you	21	A. Yes.
22	took a tablet where we don't want these patients	22	Q. Are those opioids?
23	to have any sufferings. We want them to	23	A. No. They're benzodiazepines.
24	maintain a steady stream of the product.	24	They're muscle relaxers.
			·
	Page 123		Page 124
1	Q. And then the next one is F-line and	1	A. Yes.
2	Butalbital?	2	Q. And testosterone?
3	A. Fiorinal, Fioricet, Butalbital.	3	A. Right.
4	Q. Are those opioids?	4	Q. Neither of those are opioids; is that
5	A. No.	5	right?
6	Q. Then the last word under "Corona" is	6	A. Correct.
7	Pentazocine?	7	Q. But the first one there is an opioid?
8	A. Pentazocine.	8	A. Yeah.
9	Q. All right. Is that an opioid?	9	Q. And then Florida, did Watson have a
10	A. No. It's a benzodiazapine.	10	manufacturing plant in Florida?
11	Q. So out of the seven entries under	11	A. Yes. It was part of the Actavis
12	Corona, three of them, the top three are	12	acquisition.
13	opioids; is that right?	13	Q. All right. It states hydrocodone and
14	MR. KNAPP: Objection to form.	14	amphetamine and
15	A. Three of the listed are opioids.	15	A. Actually, let me back that up.
16	Q. And the first three, right?	16	Q. Okay.
17	A. Right.	17	A. It wasn't part Actavis acquisition.
18	Q. And then the next one is Salt Lake	18	It was part of the Andrx acquisition.
19	City.	19	Q. Okay. So let's get to that in a
20	Fentanyl	20	second.
21	A. Yes.	21	Hydrocodone, amphetamine, and
22	Q do you see that there?	22	pseudoephedrine; is that right?
23	And then there are two other listed	23	A. Yes.
24	there. The same methylphenidate?	24	Q. And then can you pronounce that last
	7 1		

Page 125 Page 126 1 word? 1 the, the manufacturer of controlled substances 2 2 A. It can be carisoprodol or for Watson was moved out of Florida? 3 3 carisoprodol, depending on how you want to A. Can you repeat that question? 4 pronounce it. 4 Q. Do you remember whether, while you 5 Q. All right. So are any of those in 5 were at Watson or Actavis, the company stopped 6 that list opioids? 6 making controlled substances at a Florida plant? 7 A. Hydrocodone. 7 8 O. So the first one there. 8 So staying on this page --9 With regard to the opioids that we've 9 Sure. 10 read on these lists, do you know why they were 10 Q. -- the Corona entry states hydrocodone, and then it states initial quota 11 listed as challenges? 11 12 12 grant is 25 percent of aggregate. A. I think probably because the amount 13 of regulation, the quota implications for some 13 A. Right. 14 of the products as well. 14 Q. And then it states, hydrocodone under 15 Q. So with regard to the Florida 15 Florida as well. Do you see that there? 16 manufacturing facility that you were talking 16 17 about, the purchase of Actavis didn't take place 17 A. Yes. until sometime in 2012; is that right? 18 Q. So the 25 percent of aggregate quota 18 19 A. Right. Yeah, this would have been 19 that you had explained before, was the Florida 20 20 plant in addition to the 25 percent or included Andrx, which I think was in 2009. 21 Q. What was Andrx? 21 in that? 22 A. Andrx was a generic pharmaceutical 22 A. It would have been exclusive of it. 23 manufacturer. 23 But from my recollection, the hydrocodone 24 Q. Do you remember at some point whether 24 production in Florida was minimal. Page 127 Page 128 Q. Moving on to the next page it states, 1 1 to DEA and also to articulate quantities to --2 "Product development." 2 for the, the build of test batches, exhibit 3 Do you see that there? 3 batches that would be submitted to FDA. 4 A. Yes, I do. 4 So it was really -- the challenges 5 5 Q. And this is page 090 in Exhibit 6. that I'm speaking about here are, are challenges 6 And there are eight chemicals or drugs listed 6 administratively from a quota standpoint where, 7 7 you know, that these -- these are not -- and the there. 8 Can you go through that list and tell 8 quota process, especially at that time, took a 9 me which of them are opioids? 9 long period of time. So, you know, in any type 10 A. Sure. 10 of new product development in any pharmaceutical 11 Fentanyl citrate, hydromorphone, 11 organization, you want to be first to file for a 12 morphine sulfate, oxymorphone. 12 generic patent challenge. So any type of delays Q. Okay. So four out of the eight 13 13 in the quota process, these things could affect 14 product development? 14 your timeline in getting your, your product 15 approved and being able to have affordable A. Yes. 15 products in the generic market for, for 16 Q. Do you remember why these eight drugs 16 17 or chemicals were listed as challenges? 17 patients. 18 18 A. Sure. Q. So as you've just described the 19 Q. Why? 19 challenges, are those more business challenges A. With product development efforts, you 2.0 20 than, say, security challenges? 21 would have to still apply for quota with the 21 A. Yes. 22 22 DEA. It was a very challenging process in that Q. So do you remember there being any 23 you'd have to work closely with your R&D folks 23 security challenges for the fentanyl citrate EQ oral or the hydromorphone or morphine sulfate or 24 and scientists who -- to provide a justification 24

	Page 129		Page 130
1	oxymorphone?	1	A. I can't be sure.
2	A. No.	2	Q. Do you remember whether Watson ever
3	MR. LUXTON: Objection to the form.	3	undertook to make generic Kadian?
4	BY MR. EGLER:	4	A. I believe with the Actavis
5	Q. All right. So as you think about it,	5	acquisition, I believe that was a legacy Actavis
6	the fentanyl citrate EQ oral, do you know what	6	product, Kadian.
7	the brand name equivalent of that would be?	7	Q. But do you remember whether Watson
8	A. I don't off the top of my head.	8	ever made generic Kadian?
9	Q. How about hydromorphone?	9	A. I don't have a specific recollection.
10	A. No.	10	Q. All right. So moving on in this
11	Q. How about morphine sulfate?	11	document, get to page 091, and it states
12	A. Hydromorphone I believe is Dilaudid.	12	"Suspicious Order Monitoring, SOM," it says,
13	These, these were all products that were not	13	"The registered shall design and operate a
14	high-volume products. If you look at	14	system to disclose suspicious orders of
15	hydromorphone, morphine sulfate, they're	15	controlled substances." And there are two
16	oxymorphone, but I would say are institutional	16	bullet points that states "unusual size,
17	products that we used in hospital settings or	17	pattern, frequency," and then, "suspicious order
18	long-term care.	18	should not be identified on
19	Q. Have you ever heard of the drug	19	benchmarks/thresholds only."
20	Kadian?	20	A. Um-hmm.
21	A. I have.	21	Q. So that first group of three terms
22	Q. Is the morphine sulfate that's listed	22	there, "unusual size, pattern or frequency,"
23	there the same thing as Kadian or something	23	what did you mean by that?
24	else?	24	A. It was taken directly from 1301.74 in
			, , , ,
	Page 131		Page 132
1	the Code of Federal Regulations, and is just the	1	"including" word would increase the number of
1 2	the Code of Federal Regulations, and is just the DEA's verbiage for, you know, what, you know,	1 2	
	-		"including" word would increase the number of
2	DEA's verbiage for, you know, what, you know,	2	"including" word would increase the number of considerations beyond unusual size, pattern or
2	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an	2 3	"including" word would increase the number of considerations beyond unusual size, pattern or frequency?
2 3 4	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential	2 3 4	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption.
2 3 4 5	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest.	2 3 4 5	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the
2 3 4 5 6	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start	2 3 4 5	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over.
2 3 4 5 6 7	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over.	2 3 4 5 6 7	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this
2 3 4 5 6 7 8	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010,	2 3 4 5 6 7 8	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this time that the Suspicious Order Monitoring System
2 3 4 5 6 7 8	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010, do you remember ever having a conversation that	2 3 4 5 6 7 8	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this time that the Suspicious Order Monitoring System as required by the DEA was to track unusual
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2 3 4 5 6 7 8 9 10	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010, do you remember ever having a conversation that the CFR in question listed unusual size, pattern or frequency, but also could include other	2 3 4 5 6 7 8 9 10	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that thelet me start over. Was your understanding around this time that the Suspicious Order Monitoring System as required by the DEA was to track unusual size, pattern or frequency and not include any other aspects?
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2 3 4 5 6 7 8 9 10 11 12 13	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010, do you remember ever having a conversation that the CFR in question listed unusual size, pattern or frequency, but also could include other aspects or other things that a company should look for in a Suspicious Order Monitoring	2 3 4 5 6 7 8 9 10 11 12 13	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this time that the Suspicious Order Monitoring System as required by the DEA was to track unusual size, pattern or frequency and not include any other aspects? A. I think those were key elements to look for as mandated within the regulations.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010, do you remember ever having a conversation that the CFR in question listed unusual size, pattern or frequency, but also could include other aspects or other things that a company should look for in a Suspicious Order Monitoring System? MR. KNAPP: Form. MR. LUXTON: Same.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this time that the Suspicious Order Monitoring System as required by the DEA was to track unusual size, pattern or frequency and not include any other aspects? A. I think those were key elements to look for as mandated within the regulations. Q. Do you remember ever including aspects beyond those three? A. There are certainly other
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010, do you remember ever having a conversation that the CFR in question listed unusual size, pattern or frequency, but also could include other aspects or other things that a company should look for in a Suspicious Order Monitoring System? MR. KNAPP: Form. MR. LUXTON: Same. A. No. Q. For example, did anyone ever tell you that the CFR in question, before it states unusual size, pattern of frequency has the word "including" in it?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this time that the Suspicious Order Monitoring System as required by the DEA was to track unusual size, pattern or frequency and not include any other aspects? A. I think those were key elements to look for as mandated within the regulations. Q. Do you remember ever including aspects beyond those three? A. There are certainly other considerations, such as products that may be bought in combination that may be concerning. Q. Anything else? A. Not to my knowledge. Q. All right. And then I just I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	DEA's verbiage for, you know, what, you know, what could comprise, potentially comprise an order that should be flagged as of potential interest. Q. Did anyone ever well, let me start over. Around this time, February of 2010, do you remember ever having a conversation that the CFR in question listed unusual size, pattern or frequency, but also could include other aspects or other things that a company should look for in a Suspicious Order Monitoring System? MR. KNAPP: Form. MR. LUXTON: Same. A. No. Q. For example, did anyone ever tell you that the CFR in question, before it states unusual size, pattern of frequency has the word "including" in it? A. Um-hmm. I'm aware of the of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	"including" word would increase the number of considerations beyond unusual size, pattern or frequency? A. I can't make that assumption. Q. Was your understanding that the let me start over. Was your understanding around this time that the Suspicious Order Monitoring System as required by the DEA was to track unusual size, pattern or frequency and not include any other aspects? A. I think those were key elements to look for as mandated within the regulations. Q. Do you remember ever including aspects beyond those three? A. There are certainly other considerations, such as products that may be bought in combination that may be concerning. Q. Anything else? A. Not to my knowledge. Q. All right. And then I just I hadn't said it before, but the top of this page

Page 133 Page 134 1 "SOM as well as 'Know Your Customer' efforts are 1 compliance aspect, we would have a set of 2 key to DEA's effort to curb diversion of C/S in 2 questions that would be answered by the 3 listed chemicals." 3 customer. 4 Do you see that there? 4 Q. Who in your group, as you think of it 5 5 A. Yes, sir. around this time, early 2010, would have been 6 Q. Do you remember -- well, that term, 6 responsible for the Know Your Customer part? 7 7 "Know Your Customer," what does that mean to A. Me. 8 you? 8 Q. Okay. Anybody else? 9 A. It implies due diligence to me and 9 A. I would overall be responsible. 10 10 understanding who your business partner is. Probably compliance auditor would be responsible 11 Q. And with regard to the due diligence 11 for procedurally. 12 processes that you're thinking of, who, if 12 Q. Beyond what you referred to as the 13 anyone, or what group at Watson around this 13 onboarding process when Watson took on a new 14 time, early 2010, was responsible for the Know 14 customer, were there ongoing Know Your Customer 15 Your Customer function? 15 efforts? 16 A. Primarily from a DEA perspective, it 16 A. We maintained strong relationships 17 would be my group but also order management or 17 with our, with our customers. We also -- I know 18 the customer service side also had a role as 18 in the process when we acquired Actavis, we did 19 well, too. If onboarding a new customer, they 19 a revisit with our customers. We asked for, for 20 would have a process that they would go to, a 20 new compliance information. 21 licensed validation process. You know, Dun & 21 And when I was leaving the 2.2 Bradstreet, they would do a due diligence on a 22 organization, we were again doing another 23 customer prior to onboarding them on a customer. 23 refresh as well to update our records. 24 And from a security aspect or from a DEA 2.4 Q. So with regard to this term, Know Page 135 Page 136 Your Customer, have you ever heard an additional 1 1 A. No. 2 term "Know Your Customer's Customer"? 2 Q. At any time when you were at Watson 3 3 A. I have. or Actavis, was the automatic part of the 4 What does that mean to you? 4 Suspicious Order Monitoring System that was 5 A. That implies that you should not only 5 contained in the SAP system designed to get an 6 understand who your customers are, but who your 6 understanding of the broader secondary market 7 7 customer is doing business with. for the controlled substances it was tracking? 8 Q. So with regard to this time frame, 8 MR. LUXTON: Objection to form. 9 early 2010, do you remember any "Know Your 9 A. No. 10 Customer's Customers" efforts at Watson? 10 Q. All right. So can you turn two more 11 11 pages in to 093? 12 With regard to the SOM system, have 12 A. Sure. you ever heard the term "indirect customer SOM"? 13 13 Q. And it states, "2010 Goals and Objectives." 093. 14 A. I've heard "indirect customer," but 14 not "indirect customer SOM." And under 2010 Goals and Objectives, 15 15 16 Q. So what does that mean to you, 16 it states, SOM. 17 17 Do you remember what the 2010 goals indirect customer? 18 A. Indirect customer, again, would be a 18 and objectives for Suspicious Order Monitoring 19 customer of our customer. 19 System were at Watson? 2.0 20 A. Sure. Q. At any time during your time at 21 Watson and Actavis, was the automatic part, the 21 It was likely -- again, it was almost 2.2 SOM system, the part that was contained in the 22 nine years ago. It was an effort to enhance our 23 SAP system designed to track indirect customer 23 already compliant system. So to -- that's 24 sales? 24 probably right around the time when we started,

	Page 137		Page 138
1	because of what we were seeing on the landscape	1	Q. Do you have any particular memory
2	and what DEA was indicating as important as well	2	about that?
3	as our consultants as Know Your Customer, that's	3	A. No, but we've, we've done many
4	probably when we really started to, to build up	4	placebo manufacturing runs for DEA or law
5	our Know Your Customer aspect of our system.	5	enforcement.
6	Q. All right. And then the last one	6	Q. Do you remember ever having an
7	there that's listed, "Placebo Program"	7	understanding of, of the demand in the illicit
8	A. Yes.	8	market for Watson's drug Norco?
9	O tell me what that means.	9	A. No, I don't think it it was not a
10	A. Placebo program is because of our	10	high-volume product being a branded product. As
11	long relationship with law enforcement and the	11	far as a demand for it illicitly, I there may
12	DEA, we had a formal program where if DEA	12	have been because there was an illicit desire
13	requested, we would be very happy to manufacture	13	for all opioids.
14	placebo of our products that they could use in	14	Q. Okay. All right. You can set this
15	operations to combat illicit traffic of	15	document aside.
16	controlled substances.	16	(Witness complies.)
17	Q. With regard to that issue, do you	17	BY MR. EGLER:
18	remember ever hearing of an opioid called Norco,	18	Q. I'll hand you what I'll mark as
19	N-o-r-c-o?	19	Exhibit 7.
20	A. Yes.	20	
21	Q. Do you remember participating in a	21	(Napoli Exhibit 7, Email chain
22	DEA program to provide placebos of the drug	22	beginning with email dated 4/12/10 from S.
23	Norco?	23	Soltis to Napoli, Bates-stamped
24	A. It's possible.	24	ALLERGAN_MDL_01236097 and 6098, marked for
	71. 100 possiole.		
	Page 139		Dama 140
	1490 137		Page 140
1	identification, as of this date.)	1	before.
1 2		1 2	
	identification, as of this date.)		before.
2	identification, as of this date.) BY MR. EGLER:	2	before. A. Um-hmm.
2	identification, as of this date.) BY MR. EGLER: Q. Mr. Napoli, I've just handed you what	2	before. A. Um-hmm. Q. Who is Scott Soltis?
2 3 4	identification, as of this date.) BY MR. EGLER: Q. Mr. Napoli, I've just handed you what we will mark as Exhibit 7.	2 3 4	before. A. Um-hmm. Q. Who is Scott Soltis? A. Scott was our executive director of
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2 3 4 5	identification, as of this date.) BY MR. EGLER: Q. Mr. Napoli, I've just handed you what we will mark as Exhibit 7. Can you look through it? And as you're looking through it, I'll read into the	2 3 4 5 6	before. A. Um-hmm. Q. Who is Scott Soltis? A. Scott was our executive director of securities and DEA affairs. Q. So was he on an organizational chart
2 3 4 5 6 7	identification, as of this date.) BY MR. EGLER: Q. Mr. Napoli, I've just handed you what we will mark as Exhibit 7. Can you look through it? And as you're looking through it, I'll read into the record the Bates numbers. ALLERGAN_MDL_01236097	2 3 4 5 6 7	before. A. Um-hmm. Q. Who is Scott Soltis? A. Scott was our executive director of securities and DEA affairs. Q. So was he on an organizational chart above you or below you.
2 3 4 5 6 7 8	identification, as of this date.) BY MR. EGLER: Q. Mr. Napoli, I've just handed you what we will mark as Exhibit 7. Can you look through it? And as you're looking through it, I'll read into the record the Bates numbers. ALLERGAN_MDL_01236097 and 6098.	2 3 4 5 6 7 8	before. A. Um-hmm. Q. Who is Scott Soltis? A. Scott was our executive director of securities and DEA affairs. Q. So was he on an organizational chart above you or below you. A. Above me. He was responsible for
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Page 141 Page 142 1 Agent Warpness should provide the request for 1 Mark." 2 2 product on official letterhead," and then in From the context of this email, can 3 3 parentheses, "include reg number," close you tell who the Mark is that he's referring to? 4 parentheses, "and fax to Watson DEA affairs. 4 A. That's Mark Warpness, a DEA 5 But if time is of the essence, I would suggest 5 investigator. 6 fax going to Gary at the DC since most of us 6 Q. And --7 will be at the DEA conference this week." 7 A. Or special agent. I'm sorry. 8 Do you remember going to a DEA 8 Q. And Mr. Soltis writes, "He wants ten 9 conference in April of 2010? 9 bottles, which I told him no problem and that we 10 A. Yeah. I've been to many of them. 10 will not charge him." 11 And you say, "Faxing to Gary at the 11 And then Mr. Soltis writes, "He did 12 DC." 12 indicate that Norco is the most abused 13 What does that mean? 13 painkiller of preference on the street and it is A. If I'm going to be out of the office, 14 14 just known on the street as 'Watson.'" 15 it probably would make sense, if this DEA agent 15 Do you remember ever hearing that 16 wants the placebo as soon as practical, send it 16 before this time, April 2010, that people from 17 directly to our security manager in the the DEA indicated that Norco is the most abused 17 18 distribution center so the process can be, the 18 painkiller of preference on the street? 19 request can be processed without delay. 19 A. We certainly heard from the DEA that 20 Q. All right. And then Scott Soltis 20 hydrocodone was one of the most abused products. 21 writes back on the same day, April 12, 2010, and 21 Q. So and that's what Norco is, 22 that is the email above. 22 hydrocodone? 23 A. Um-hmm. 23 A. Norco is a branded product, so --24 Q. He says, "FYI, I just talked to 24 and, again, I don't know if he was saying Norco Page 143 Page 144 out from a placebo standpoint. Or if there are 1 or hydrocodone there, so I can't be inside his 1 2 2 any type of information requests, we would be mind but... 3 3 happy to fulfill those for DEA. Q. Okay. Well, do you remember ever 4 hearing that on the, quote/unquote, street, that 4 Q. Do you remember ever -- let me start 5 one of the opioids that Watson manufactured was 5 over 6 known simply as "Watson"? 6 A. Sure. 7 7 A. I was aware of that. There were --Q. Beyond this event that is listed here 8 many opioids and controlled drugs had many 8 with the request for 10 bottles of placebo 9 illicit street, street names. It's very common. 9 Norco, do you remember particularly any other 10 Q. Have you ever seen a pill of the drug 10 requests or provision of that type of placebo to 11 Norco, the brand name drug Norco? 11 the DEA? 12 A. I have. 12 A. I don't recall specific requests, but 13 Q. Do you know whether it has the word 13 I am positive that there were multiple requests 14 "Watson" written on it? 14 for drugs throughout my tenure for placebo. A. It may. It's been a while since I've 15 15 Q. And after you heard or read this email and found that one of the DEA agents 16 seen a tablet. 16 17 Q. Do you remember ever participating 17 indicated that Norco was the most abused with the DEA beyond what's listed here in 18 painkiller of preference on the street, did you 18 19 Exhibit 7 to address the, the, quote/unquote, 19 take any action internally to address that 20 street abuse of Norco? 20 issue? 21 A. As far as efforts that we made to 21 A. We were already aware that 22 help combat? 22 hydrocodone and opioids were products of abuse 23 Q. Yes. 23 in illicit markets, as you can see through some 24 A. We would always be willing to help 24 of the documents we've looked at already that I

	Page 145		Page 146
1	clearly communicated regarding the landscape.	1	Watson used with regard to other drugs?
2	You know, we took the responsibility	2	MR. LUXTON: Objection to form.
3	very seriously. And to the extent that a	3	A. Yes.
4	manufacturer can prevent the illicit diversion	4	Q. Were they higher than security
5	of products, we made every effort to ensure that	5	processes used for other Schedule II drugs?
6	we had a robust security program that was not	6	MR. LUXTON: Objection to form.
7	only met the basic requirement of DEA	7	A. No.
8	regulations, but exceeded them to make sure that	8	Q. Were they higher than security
9	we were doing our part.	9	processes used for Schedule II opioids?
10		10	MR. LUXTON: Same objection.
11	Q. Where was, as you think of it, where	11	A. They were consistent.
12	was Watson's Norco physically made?	12	Q. Do you remember ever talking with the
	A. Corona.	13	FDA about this agent's opinion or indication
13	Q. And, you know, we saw before that	14	that Norco was the most abused painkiller of
14	there was a notation that Watson's Corona		
15	facility had 25 percent of the nationwide quota	15	preference on the street?
16	for a particular drug?	16 17	A. It would not be within my role to have conversations with the FDA about that.
17	A. Yes.		
18	Q. Is that the same drug as Norco?	18	Q. Would it be within the role of anyone
19	A. It would be included within that	19	at Watson to have that type of a conversation?
20	product, but Norco would not comprise 25 percent	20	MR. KNAPP: Just real quick, was that
21	of the market.	21	last question about that was about the
22	Q. Do you know whether any of the	22	FDA?
23	security processes used with regard to Norco by	23	THE WITNESS: Yes.
24	Watson were more than the security processes	24	MR. KNAPP: I believe Mr. Napoli
	D 147		
	Page 147		Page 148
1		1	
1 2	answered based upon the FDA.	1 2	A. Okay.
		2	A. Okay.Q. Exhibit 8, can you look through it
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Page 149 Page 150 1 Q. Mr. Herrera worked at Watson; is that 1 electronic channels and tend not to get their 2 2 right? hands dirty with diverse buys, et cetera." 3 3 A. Yes. And then on the next page, 4 O. What was his role around this time, 4 Mr. Herrera writes to you, "Thank you for your 5 5 prompt reply. I hear you about the FBI's MO April 2010? 6 A. Security supervisor of the Corona 6 with reverses. The agents were" -- "The agents 7 facility. 7 that were interested were from the San Diego 8 O. And he writes to you and Ms. Scott, 8 field office. And there was one presentation by 9 "Just got back from NADDI last night and wanted 9 an SD County prosecutor that keyed on the some clarification on how Watson, (DEA affairs) diversion wave in SD, especially Watson hydro 10 10 administers the placebo program for law and Norco really hard. Maybe I heard it wrong 11 11 enforcement." 12 at the DEA seminar, but didn't the DEA people 12 A. Um-hmm. 13 say they had the problem under control down 13 there?" Q. And he goes on from there. 14 14 15 And you respond to him on April 29th 15 A. Um-hmm. 16 and say, "Hi, Pete. It is not uncommon to 16 Q. So do you remember there being 17 return from NADDI with a pocket full of placebo 17 something that can be referred to as a requests. We will be establishing a placebo "diversion wave" in San Diego that especially 18 18 19 program this year, though, so you can forward 19 related to Watson's hydrocodone and Norco 20 the contact names to Lisa and they will be added 20 products? 21 to the list." 21 A. No. 22 And then continuing, "Interesting 22 Q. Do you remember ever hearing that a 23 that the FBI inquired. They usually follow the 23 San Diego County prosecutor had contacted -- let 24 money trail on high-profile RX cases through 24 me start over. Page 151 Page 152 1 Did you ever hear that a San Diego 1 mean? County prosecutor had made a presentation about 2 2 A. I think because of the way that the 3 diversion of Watson's hydrocodone and Norco 3 current tact was. And in that email, it 4 products in San Diego County, California? 4 expresses probably a feeling within industry 5 A. No, I don't recall ever receiving any 5 that the approach by DEA was aggressive 6 requests from San Diego or contact by a 6 enforcement on industry, where this not -- this 7 7 prosecutor. is a complex societal problem; it's not just the 8 Q. So you know that San Diego County is 8 manufacturers. But the least amount of 9 just to the south of the Riverside County where 9 registrants are manufacturers, so I think it's 10 easier to approach that population rather than Corona is? 10 11 A. Correct. I mean, it may be possible. 11 going down the supply chain. 12 I just don't recall if there was a placebo 12 A lot of these products that are on 13 effort. 13 the market are in illicit channels are because 14 Q. And then you write back to 14 of, quote/unquote, legitimate prescriptions that Mr. Herrera and Ms. Scott, "I don't think it 15 15 are written at the prescriber level, and there will ever been under control. The bad boys are are -- there was at the time seemingly no 16 16 17 always a step ahead. This is why" -- "This is 17 efforts to focus on that. why DEA likes to beat up on legitimate industry. So it just probably indicating just 18 18 19 Is all they can control." 19 that the their -- the focus, although well 20 20 Then you have exclamation point intended, is I think heavily on the wrong part 21 there. 21 of the system of distribution. 22 22 A. Um-hmm. Q. And you write there as well, "The bad 23 Q. So when you wrote, "I don't think it 23 boys are always a step ahead." 24 will ever been under control," what did you 24 A. Right.

Page 153 Page 154 1 Q. What did you mean by that? 1 pharmaceuticals. 2 2 A. I think in any type of criminal And then you saw it went from the 3 endeavor, it's -- where there's profit to be 3 diversion investigator concept to we're going to 4 made, there's always -- criminals always seem to 4 take diversion investigators and now add special 5 be one step ahead of law enforcement. 5 agents from the criminal side in with those 6 Q. So with regard to the "bad boys" 6 groups and be more aggressive with the 7 there, who are you referring to? 7 registrant population. 8 8 A. Anybody who engages in the illicit O. So with regard to this email that you 9 9 trafficking of a controlled drug. sent to Mr. Herrera and Ms. Scott, you said, "I 10 Q. And then you write, "This is why DEA 10 don't think it will ever be under control." 11 likes to beat up on legitimate industry." 11 This is April 29, 2010. 12 12 Around this time, April 2010, why did A. Um-hmm. 13 you think DEA likes to beat up on legitimate 13 When you had that belief, did you ever try to change Watson's internal processes 14 industry? 14 15 A. Because there was a change -- as you 15 to try to control the diversion that was going on of Norco? probably saw in one of the landscape slides that 16 16 17 I did earlier, that there was kind of a change 17 MR. KNAPP: Objection to form. from -- previously, the DEA was more of a 18 A. We continually ensure that we had 18 19 partner with industry and we worked 19 appropriate controls in place to mitigate theft 20 20 collaboratively. and diversion for what was under our control. And then as you saw a shift in where 21 21 Q. So with regard to the Norco drug, 22 the DEA was making efforts to combat the illicit 22 after this time, April 29, 2010, did you ever 23 drugs and making headway there, then you saw 23 undertake to have higher security processes than 24 abusers migrating over to the legitimate 24 other drugs that Watson made in the same Page 155 Page 156 controlled substance class? undertake to have a greater understanding of the 1 1 2 2 indirect customers for Norco? A. Well, we sought to always have a 3 strong program for all of our controlled 3 MR. KNAPP: Objection to form. 4 substances from the time we received the 4 MR. LUXTON: Form. 5 5 material on our loading dock until we produced a A. We at, at Watson had -- through our 6 solid dosage form. So we had a layered and 6 Know Your Customer program, we sought to find 7 balanced approach to physical security 7 out about our customers, about their -- we had a 8 throughout our entire product lifecycle through 8 form letter that went out to our customers and 9 distribution. 9 indicated that we were interested in finding out 10 O. And with regard to the diversion 10 information from them of -- specifically of 11 issues, did you or -- is it your understanding 11 hydrocodone and oxycodone products that they 12 that anyone at Norco -- I'm sorry. 12 purchased from us, a customer list, and who 13 With regard to the diversion issues, 13 their most significant customers were. So it was all part of our Know Your Customer process. 14 is it your understanding that you or anyone else 14 15 at Watson ever made special efforts to Q. So when those letters went out, was 15 understand and reduce or stop the diversion of that at the onboarding process that you were 16 16 17 its Norco drug? 17 talking about or at some other time? MR. KNAPP: Objection to form. 18 A. It would be at the onboarding time. 18 19 MR. LUXTON: Form. 19 It would also be when we did a periodic refresh, 20 A. It's not within the scope of our, of 2.0 which would have been, again -- probably that 21 our power to do that. 21 next juncture would have been 2012, when we had 22 22 Q. With regard to what we've been the, the Actavis acquisition. 23 talking about before, that indirect customer 23 But throughout my tenure with, with 24 concept, did you or anyone you know at Watson 24 Watson/Actavis, we didn't onboard too many

Page 157 Page 158 1 customers. We did not have a big customer list, 1 this time were selling the Norco drug to other 2 2 so there wasn't too much addition to that people; is that right? 3 3 A. They would be selling them to a customer base. 4 Q. So when you wrote that you didn't 4 pharmacy. 5 think it would ever been under control, did you 5 Q. And do you remember ever undertaking 6 renew the process of trying to understand your 6 a project or directing someone else to undertake 7 customers' customers to understand any part of 7 a project to gain a greater understanding of the 8 the diversion process? 8 pharmacies to which the Norco drugs were being 9 A. What we sought to do was to 9 sold? 10 understand -- to work with our customers to 10 MR. KNAPP: Objection to form. A. We actually looked at through our 11 ensure that they had programs in place, that 11 12 Know Your Customer process at all of our 12 they were ensuring that they understood their 13 customers and their ordering behaviors, and they customers and -- and gaining an understanding of 13 had effective controls in place to detect any 14 where all of our controlled substances, but 14 15 type of unusual behavior. 15 specifically hydrocodone and oxycodone, were 16 Q. And as are you wrote here, "I don't 16 going. 17 think it will ever been under control," do you 17 As far as the daily day-to-day think that the -- your customers' processes were management of those customers, that was not 18 18 19 effective? 19 within our role. And if you look at some of our 20 20 customers, they had -- just one customer maybe A. I don't think that was any indictment 21 of a customer's process. I just think it's a --21 had thousands upon thousands upon pharmacy 22 probably a societal note about the demand for 22 locations. It would be untenable to do a 23 drugs in this country. 23 realtime monitoring of those activities. 24 O. But the customers that Watson had at 24 Q. With regard to the time frame that Page 159 Page 160 1 is -- that appears in this email, April 29th, do 1 As you sit here today, what's your 2 you remember -- or April 29th, 2012, do you 2 understanding of what Mr. Herrera meant? 3 remember whether there was any particular 3 MR. LUXTON: Objection --4 endeavor to look at any of the pharmacies that 4 MR. KNAPP: Foundation. 5 were selling Norco? 5 MR. LUXTON: -- calls for 6 MR. LUXTON: Objection to form. 6 speculation. 7 MR. KNAPP: I believe you said 2012. 7 A. I can't speculate --8 A. It's 2010. 8 Q. As you read it. 9 Q. 2010. 9 A. I can't speculate --10 A. Again, through our Know Your Customer 10 MR. KNAPP: Same objection. 11 efforts, we would gain an understanding of where 11 A. I can't speculate what Mr. Herrera was thinking. 12 our customers were distributing. But if there 12 13 was a suspicious order that pended, we would 13 Q. Okay. So when he wrote, "I felt like 14 take a deeper dive and we would look to see 14 I was a class president or something at the where these products were going. 15 15 seminar," do you remember ever having a Q. In response to this process at the 16 16 follow-up conversation with him about that? 17 end of April of 2010, do you remember any 17 particular effort being made in that regard? 18 18 Q. What do you think he meant by that? 19 A. No. 19 MR. KNAPP: Objection. 20 20 Q. So Mr. Herrera writes back to you on MR. LUXTON: Objection calls for 21 that day, April 29th, "I felt like I was a class 21 speculation. 22 president or something at the seminar. Pretty 22 A. I, again, I can't speculate as to 23 popular guy as soon as someone would read my 23 someone else's thoughts. 24 name badge and see I was from Watson." 24 Q. I'm not asking about his thoughts.

	Page 161		Page 162
1	I'm asking what you thought he meant by that.	1	MR. KNAPP: Objection.
2	MR. KNAPP: Same objection.	2	A. I can't speculate.
3	MR. LUXTON: Foundation.	3	Q. If someone writes, "Ug, vomit," do
4	A. Again, I can't.	4	you think they agree with what Mr. Herrera has
5	Q. And he writes, "pretty popular guy	5	said?
6	as soon as someone would read my name badge and	6	MR. LUXTON: Same objection.
7	see I was from Watson."	7	MR. KNAPP: Objection.
8	Do you remember ever having a	8	A. I don't know.
9	follow-up conversation about that issue?	9	Q. Do you remember ever having a
10	A. No.	10	discussion with Ms. Scott about the diversion
11	Q. And as you sit here today, do you	11	wave in San Diego that was referred to in this
12	have any memory of what you thought at the time	12	email?
13	he meant by saying that?	13	A. No.
14	MR. LUXTON: Objection. Calls for	14	Q. Do you remember ever having a
15	speculation.	15	discussion with Ms. Scott about the impression
16	A. No. I don't.	16	of the DEA that there was a substantial
17	Q. And then the first email on the page,	17	diversion of the Watson hydro and Norco drugs?
18	the last one in time, Ms. Scott responds to you	18	MR. KNAPP: Foundation
19	only and leaves Mr. Herrera off and she says,	19	A. We
20	"Ug, vomit."	20	MR. KNAPP: and form.
21	As you sit here today, what do you	21	A. We had an understanding, as I
22	think she meant?	22	articulated earlier, from DEA that there was
23	MR. LUXTON: Objection. Calls for	23	a an increased illicit demand or use for
24	speculation.	24	hydrocodone in general, just not Watson.
	-F		
	Dama 163		
	Page 163		Page 164
1	Q. And based on that understanding, do	1	Page 164 special process inside the Suspicious Order
1 2		1 2	
	Q. And based on that understanding, do you remember ever taking any special steps in regard to the Watson hydro and Norco with regard		special process inside the Suspicious Order
2	Q. And based on that understanding, do you remember ever taking any special steps in	2	special process inside the Suspicious Order Monitoring System that would address any of the
2	Q. And based on that understanding, do you remember ever taking any special steps in regard to the Watson hydro and Norco with regard	2 3	special process inside the Suspicious Order Monitoring System that would address any of the diversion issues that Watson's hydro and Norco
2 3 4	Q. And based on that understanding, do you remember ever taking any special steps in regard to the Watson hydro and Norco with regard to security issues or Suspicious Order	2 3 4	special process inside the Suspicious Order Monitoring System that would address any of the diversion issues that Watson's hydro and Norco were facing?
2 3 4 5	Q. And based on that understanding, do you remember ever taking any special steps in regard to the Watson hydro and Norco with regard to security issues or Suspicious Order Monitoring System or anything else?	2 3 4 5	special process inside the Suspicious Order Monitoring System that would address any of the diversion issues that Watson's hydro and Norco were facing? MR. LUXTON: Objection to form.
2 3 4 5 6	Q. And based on that understanding, do you remember ever taking any special steps in regard to the Watson hydro and Norco with regard to security issues or Suspicious Order Monitoring System or anything else? MR. KNAPP: Form. MR. LUXTON: Objection to form. A. From a security perspective, again we	2 3 4 5	special process inside the Suspicious Order Monitoring System that would address any of the diversion issues that Watson's hydro and Norco were facing? MR. LUXTON: Objection to form. MR. KNAPP: Objection to form. Asked
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And based on that understanding, do you remember ever taking any special steps in regard to the Watson hydro and Norco with regard to security issues or Suspicious Order Monitoring System or anything else? MR. KNAPP: Form. MR. LUXTON: Objection to form. A. From a security perspective, again we continually looked to enhance our security process as any good security practitioner would do. We assessed the current risk, and we looked to make enhancements where we can to our systems. And we had a very robust security program at Corona and in all our facilities, and we were frequent recipients of DEA inspections from the Riverside office and other offices that were heavily focused on the security aspect and control of that you had over your product. And we had outstanding results with DEA in our inspections. Q. Do you remember whether Watson,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	special process inside the Suspicious Order Monitoring System that would address any of the diversion issues that Watson's hydro and Norco were facing? MR. LUXTON: Objection to form. MR. KNAPP: Objection to form. Asked and answered. A. As I stated, our Suspicious Order Monitoring System program was a holistic and, we feel, an effective program that was complying with DEA regulations. Q. You can set that document aside. MR. KNAPP: Can we take a break? MR. EGLER: You want to break for lunch? MR. LUXTON: Is it being brought in? MR. EGLER: Yes. MR. LUXTON: Hopefully if it's here, we'll break for lunch. MR. EGLER: I'll check if it's here. If it's not, we'll take a ten-minute break. THE VIDEOGRAPHER: The time is

	Page 165		Page 166
1	(Recess is taken.)	1	Q. Can you look through Exhibit 9? And
2	()	2	as you're reading through it, I'll note for the
3		3	record that the first page has no Bates stamps.
4	AFTERNOON SESSION	4	The second page is
5	(Time noted: 1:10 p.m.)	5	ALLERGAN MDL 02467984 through 7998.
6	THE VIDEOGRAPHER: We are back on the	6	And when you're finished looking
7	record. The time is approximately	7	through this document, can you tell me what it
8	1:10 p.m.	8	appears to you to be?
9	* * *	9	(Document review.)
10	THOMAS P. NAPOLI, resumed and	10	A. Okay.
11	testified as follows:	11	Q. All right. Do you recognize the
12	EXAMINATION BY (Cont'd.)	12	document that appears after the first page?
13	MR. EGLER:	13	A. I do.
14	Q. Mr. Napoli, you understand you are	14	Q. What is it?
15	still under oath?	15	A. This appears to be a presentation
16	A. Yes, sir.	16	that I put together that talks about
17	Q. And for I'm going to hand you what	17	achievements and accomplishments during a
18	we will mark as Exhibit 9.	18	calendar year and also what goals for the
19	(Napoli Exhibit 9, PowerPoint	19	upcoming year of 2011 were for our DEA affairs
20	presentation entitled "DEA affairs	20	organization.
21	Organizational Achievements,	21	Q. So the achievements were for the
22	ALLERGAN MDL 02467984 through 7998, marked	22	calendar year 2010; is that right?
23	for identification, as of this date.)	23	A. Yes, sir.
24	BY MR. EGLER:	24	Q. Do you remember who the audience for
	Page 167		Page 168
1	this presentation was?	1	on the record.
2	A. No, I don't.	2	BY MR. EGLER:
3	Q. So that author on the first page in	3	Q. So would you make this type of a
4	the metadata page says Steve G. Sost.	4	presentation annually?
5	Do you see that there?	5	A. It's likely that I would.
6	A. Steve Sost.	6	Q. Do you remember making these types of
7	Q. Who is he?	7	presentations?
8	A. Steve Sost was one of our	8	A. I do.
9	communications folks, corporation	9	Q. And who would you make them to?
10	communications. He may have put this into a	10	A. Likely to my department management
11	company-approved format for me.	11	
			and perhaps organizational management.
12	Q. So as you think about this	12	Q. So your department management would
13	Q. So as you think about this presentation, would you regularly give a	13	Q. So your department management would be who?
13 14	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at	13 14	Q. So your department management would be who? A. My executive director Scott Soltis.
13 14 15	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year?	13 14 15	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as
13 14 15 16	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely	13 14 15 16	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So
13 14 15 16 17	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely (Interruption.)	13 14 15 16 17	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So this would have been Scott Soltis and perhaps
13 14 15 16 17 18	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely (Interruption.) THE VIDEOGRAPHER: The time is	13 14 15 16 17 18	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So this would have been Scott Soltis and perhaps higher levels of management.
13 14 15 16 17 18 19	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely (Interruption.) THE VIDEOGRAPHER: The time is approximately 1:14 p.m. We are going off	13 14 15 16 17 18	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So this would have been Scott Soltis and perhaps higher levels of management. Q. All right. So if you turn to page
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13 14 15 16 17 18 19 20 21	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely (Interruption.) THE VIDEOGRAPHER: The time is approximately 1:14 p.m. We are going off the record. MR. EGLER: I can ask a better	13 14 15 16 17 18 19 20 21	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So this would have been Scott Soltis and perhaps higher levels of management. Q. All right. So if you turn to page 990 of this document, it's about halfway through, a little bit less, on the document, at
13 14 15 16 17 18 19 20 21 22	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely (Interruption.) THE VIDEOGRAPHER: The time is approximately 1:14 p.m. We are going off the record. MR. EGLER: I can ask a better question. Yeah, let's go back on.	13 14 15 16 17 18 19 20 21 22	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So this would have been Scott Soltis and perhaps higher levels of management. Q. All right. So if you turn to page 990 of this document, it's about halfway through, a little bit less, on the document, at the top of the page there, 990, it states,
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13 14 15 16 17 18 19 20 21 22	Q. So as you think about this presentation, would you regularly give a presentation like this at the beginning or at the end of each year? A. It would likely (Interruption.) THE VIDEOGRAPHER: The time is approximately 1:14 p.m. We are going off the record. MR. EGLER: I can ask a better question. Yeah, let's go back on.	13 14 15 16 17 18 19 20 21 22	Q. So your department management would be who? A. My executive director Scott Soltis. Then eventually we were part of supply chain as well. So that that wasn't at that time. So this would have been Scott Soltis and perhaps higher levels of management. Q. All right. So if you turn to page 990 of this document, it's about halfway through, a little bit less, on the document, at the top of the page there, 990, it states,

	Page 169		Page 170
1	A. Um-hmm.	1	efforts. And by doing so, it's ensuring that we
2	Q. As you see that page there that	2	had a strong relationships with internal
3	appears under Suspicious Order Monitoring, what	3	customers, such as sales or marketing folks that
4	does that mean to you in the context of this	4	we could garner information from about customer
5	document?	5	ordering behavior, maybe upcoming awards of
6	(Document review.)	6	contracts or types of changes within the market,
7	A. It really just looks like kind of a	7	if somebody dropped out, if somebody is picked
8	status update on the Suspicious Order	8	up. Just another source of gathering
9	Monitoring.	9	information so we can be most effective and also
10	Q. So this would be looking back at year	10	ensuring we maintained our strong partnership
11	2010; is that right?	11	with the customer relations folks who we
12	A. Yes.	12	partnered with on the SOMS initiative.
13	Q. It states, "Evaluation and	13	Q. So with regard to the customer
14	enhancement," and then a dash, "effective	14	relations entity that's referred to there, at
15	relationship with internal customers."	15	Watson at this time, end of year 2010, was the
16	A. Yes.	16	customer relations group part of the sales and
17		17	
	Q. And it states, "Sales and marketing"		marketing group?
18	and "customer relations."	18	A. Yes.
19	What does that group of words mean,	19	Q. Was there any other entity within
20	"Effective relationship with internal	20	Watson that you think of as an internal customer
21	customers," and "sales and marketing" and then	21	that you or your group worked with in 2010 to
22	"customer relations"?	22	evaluate and enhance the Suspicious Order
23	A. It's indicative of our continuous	23	Monitoring program?
24	desire to enhance and improve our compliance	24	A. As far as internal customers?
	Page 171		Page 172
			rage 1/2
1		1	
1 2	Q. Yes.	1 2	A. No, they, they wouldn't really have a
	Q. Yes.A. I'm sure there was a component with		A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order
2	Q. Yes.A. I'm sure there was a component with perhaps with legal.	2	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe,
2 3	Q. Yes.A. I'm sure there was a component with perhaps with legal.Q. Okay. Do you remember ever talking	2	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have
2 3 4	Q. Yes.A. I'm sure there was a component with perhaps with legal.Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of	2 3 4	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective
2 3 4 5	 Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order 	2 3 4 5	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs.
2 3 4 5 6	 Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order Monitoring System in 2010? 	2 3 4 5 6	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs. Q. Do you remember ever meeting with
2 3 4 5 6 7	 Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order 	2 3 4 5 6 7	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs.
2 3 4 5 6 7 8	Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order Monitoring System in 2010? A. It's a little vague. Is that FDA or DEA you're referring to?	2 3 4 5 6 7 8	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs. Q. Do you remember ever meeting with anyone from the quality assurance group with regard to the data that they collected on opioid
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order Monitoring System in 2010? A. It's a little vague. Is that FDA or DEA you're referring to? Q. FDA. A. FDA? Q. So let's back up a little bit. So and we had talked about this before earlier. As you think about it, what group do you identify at Watson around this time frame, 2010, to be most responsible for dealing with FDA regulation of drugs?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs. Q. Do you remember ever meeting with anyone from the quality assurance group with regard to the data that they collected on opioid drugs? A. I don't recall. Q. Then you state "increase security visibility," and it says "order of interest review," and then "investigation," and then "communication with customers." A. Um-hmm. Q. What was the "increase security
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order Monitoring System in 2010? A. It's a little vague. Is that FDA or DEA you're referring to? Q. FDA. A. FDA? Q. So let's back up a little bit. So and we had talked about this before earlier. As you think about it, what group do you identify at Watson around this time frame, 2010, to be most responsible for dealing with FDA regulation of drugs? A. Quality assurance. Q. So do you remember whether you ever well, let me start over. Do you remember whether you or your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs. Q. Do you remember ever meeting with anyone from the quality assurance group with regard to the data that they collected on opioid drugs? A. I don't recall. Q. Then you state "increase security visibility," and it says "order of interest review," and then "investigation," and then "communication with customers." A. Um-hmm. Q. What was the "increase security visibility" in 2010? A. That was, you know again, 2010 is, depending on what time it was, it was a little over a year or a year since I transitioned in.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order Monitoring System in 2010? A. It's a little vague. Is that FDA or DEA you're referring to? Q. FDA. A. FDA? Q. So let's back up a little bit. So and we had talked about this before earlier. As you think about it, what group do you identify at Watson around this time frame, 2010, to be most responsible for dealing with FDA regulation of drugs? A. Quality assurance. Q. So do you remember whether you ever well, let me start over. Do you remember whether you or your group ever identified quality assurance as an	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs. Q. Do you remember ever meeting with anyone from the quality assurance group with regard to the data that they collected on opioid drugs? A. I don't recall. Q. Then you state "increase security visibility," and it says "order of interest review," and then "investigation," and then "communication with customers." A. Um-hmm. Q. What was the "increase security visibility" in 2010? A. That was, you know again, 2010 is, depending on what time it was, it was a little over a year or a year since I transitioned in. So it was really getting more involved from a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Yes. A. I'm sure there was a component with perhaps with legal. Q. Okay. Do you remember ever talking with anyone involved with FDA regulation part of Watson with regard to the Suspicious Order Monitoring System in 2010? A. It's a little vague. Is that FDA or DEA you're referring to? Q. FDA. A. FDA? Q. So let's back up a little bit. So and we had talked about this before earlier. As you think about it, what group do you identify at Watson around this time frame, 2010, to be most responsible for dealing with FDA regulation of drugs? A. Quality assurance. Q. So do you remember whether you ever well, let me start over. Do you remember whether you or your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No, they, they wouldn't really have a relevant stake, I think, in Suspicious Order Monitoring because they're more focused on safe, pure and effective drugs, ensuring that we have quality systems around safe, pure and effective drugs. Q. Do you remember ever meeting with anyone from the quality assurance group with regard to the data that they collected on opioid drugs? A. I don't recall. Q. Then you state "increase security visibility," and it says "order of interest review," and then "investigation," and then "communication with customers." A. Um-hmm. Q. What was the "increase security visibility" in 2010? A. That was, you know again, 2010 is, depending on what time it was, it was a little over a year or a year since I transitioned in.

	Page 173		Page 174
1	taking an active role in the order of interest	1	Q. All right. And then can you turn to
2	review investigation and, you know, and the	2	page 995. It looks like this (indicating).
3	communication with the customers about orders.	3	A. Um-hmm.
4	Q. And the "order of interest," that	4	Q. And it says, "2011 goals and
5	term, is that the same as you understand it as a	5	objectives continued."
6	pending order?	6	So if you need to look before there,
7	A. Correct.	7	feel free, but I'm just going to ask you about
8	Q. Then the next dash down there it	8	this page.
9	says, "systemic upgrade and enhanced system	9	A. Yup.
10	logic and increase efficiency."	10	Q. It states, "SOMS" and that's
11	Do you see that there?	11	Suspicious Order Monitoring System, right?
12	A. Yes.	12	A. Yes, sir.
13	Q. Do you remember during 2010 what	13	Q. And your the goal at Watson for
14	steps you and your group at Watson took with	14	2011 was to improve the system and enhanced
15	regards to the systemic upgrade of the	15	automation?
16	Suspicious Order Monitoring System?	16	A. Yes.
17	A. I think that this may have been	17	Q. Do you remember what you meant by
18	around the time where we engaged with Cegedim to	18	that?
19	look at our system and, and maybe propose some	19	A. Yeah, just what we just spoke of, is,
20	enhancements to the, to the system itself. And	20	is looking at our current compliance system but
21	we were looking to increase the efficiency and	21	also finding ways to make it to look at more
22	again enhance some of the system logic in	22	parameters regarding an order of interest and to
23	building in an additional or enhancing an	23	increase the efficiency of the program.
24	algorithm.	24	Q. Okay. Then the next one says,
		1	D 100
1	Page 175	1	Page 176
1	"Enhance investigation process," and it says	1	that process ever change?
2	"Enhance investigation process," and it says "Procedure in cross-training."	2	that process ever change? A. No.
2	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of	2	that process ever change? A. No. Q. All right. You can set that aside.
2 3 4	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words?	2 3 4	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.)
2 3 4 5	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure	2 3 4 5	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER:
2 3 4 5 6	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of	2 3 4 5	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as
2 3 4 5 6 7	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I	2 3 4 5 6 7	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10.
2 3 4 5 6 7 8	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I referred to earlier, we had an individual in our	2 3 4 5 6 7 8	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10. (Napoli Exhibit 10, Watson 210
2 3 4 5 6 7 8	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I referred to earlier, we had an individual in our global security department, Jeff Collins, who	2 3 4 5 6 7 8	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10. (Napoli Exhibit 10, Watson 210 Performance Review Form - Exempt,
2 3 4 5 6 7 8	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I referred to earlier, we had an individual in our global security department, Jeff Collins, who was a trained, seasoned investigator to provide	2 3 4 5 6 7 8 9	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10. (Napoli Exhibit 10, Watson 210 Performance Review Form - Exempt, Bates-stamped ALLERGAN_MDL_03535275 through
2 3 4 5 6 7 8 9 10	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I referred to earlier, we had an individual in our global security department, Jeff Collins, who was a trained, seasoned investigator to provide cross-training in this area for him so he could	2 3 4 5 6 7 8	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10. (Napoli Exhibit 10, Watson 210 Performance Review Form - Exempt, Bates-stamped ALLERGAN_MDL_03535275 through 283, marked for identification, as of this
2 3 4 5 6 7 8 9	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I referred to earlier, we had an individual in our global security department, Jeff Collins, who was a trained, seasoned investigator to provide cross-training in this area for him so he could serve as a backup or a supplement to performing	2 3 4 5 6 7 8 9 10 11	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10. (Napoli Exhibit 10, Watson 210 Performance Review Form - Exempt, Bates-stamped ALLERGAN_MDL_03535275 through 283, marked for identification, as of this date.)
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2 3 4 5 6 7 8 9 10 11 12 13	"Enhance investigation process," and it says "Procedure in cross-training." What did you mean by that group of words? A. Creation of a more formal procedure on the investigation process of an order of interest. And cross-training meaning, as I referred to earlier, we had an individual in our global security department, Jeff Collins, who was a trained, seasoned investigator to provide cross-training in this area for him so he could serve as a backup or a supplement to performing investigations for the team. Q. And in this time frame, 2011, the	2 3 4 5 6 7 8 9 10 11 12 13	that process ever change? A. No. Q. All right. You can set that aside. (Witness complies.) BY MR. EGLER: Q. I will hand you what we will mark as Exhibit 10. (Napoli Exhibit 10, Watson 210 Performance Review Form - Exempt, Bates-stamped ALLERGAN_MDL_03535275 through 283, marked for identification, as of this date.) (Document review.) BY MR. EGLER:
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	Page 177		Page 178
1	(Document review.)	1	with minimum impact to the business while
2	Q. So first, to get the big picture, do	2	maintaining DEA compliance."
3	you recognize this document?	3	And you write, "Overall objectives:
4	A. I do.	4	Utilize identified vendor to evaluate the
5	Q. What is it?	5	current system. An evaluation will consider
6	A. It's a performance review form.	6	Watson's approach of design, parameters
7	Q. So is this your performance review?	7	inherently unique to account types, and
8	A. It appears that it is.	8	validation process."
9	Q. And do you remember filling out a	9	Do you see that?
10	performance review at the end of 2010?	10	A. Um-hmm. Yes.
11	A. I'm sure that I did.	11	Q. So it says, "Evaluation will consider
12	Q. All right. Could you look at the top	12	Watson's approach and design."
13	of page 5277? It states, "Key goal No. 1."	13	What did you mean by that?
14	Do you see that?	14	A. That we would be utilizing a vendor,
15	A. Yes, sir.	15	Cegedim in this case, to come in and do an
16	Q. And it says, "Suspicious Order	16	assessment or an overall valuation of our
17	Monitoring program, SOM, upgrade Phase II."	17	current system and our approach and design of
18	And did you write the text that	18	our system.
19	appears in this box?	19	Q. All right. And "parameters
20	A. Yes.	20	inherently unique to account types," do you have
21		21	an understanding of what that means?
22	Q. All right. And you state, "Lead a cross functional team with the goal of enhancing	22	A. Likely the different differences
23	the program logic within SAP to accurately and	23	-
24	efficiently determine legitimacy of CS orders	24	between different types of account types. So different types of customers, whether it's a
24	efficiently determine legitimacy of CS orders	24	different types of customers, whether it's a
	Page 179		Page 180
1	large distributor, midsize distributor or, you	1	A. Yes.
1 2	large distributor, midsize distributor or, you know different class of trade.	1 2	A. Yes.Q. And then at the very bottom it
	-		
2	know different class of trade.	2	Q. And then at the very bottom it
2	know different class of trade. Q. When you use the term "class of	2 3	Q. And then at the very bottom it states, "Complete evaluation of current system V
2 3 4	know different class of trade. Q. When you use the term "class of trade," what does that mean? A. Class of trade, is, you know, the	2 3 4	Q. And then at the very bottom it states, "Complete evaluation of current system V DEA requirements and prepare executive summary
2 3 4 5	know different class of trade. Q. When you use the term "class of trade," what does that mean?	2 3 4 5	Q. And then at the very bottom it states, "Complete evaluation of current system V DEA requirements and prepare executive summary by 4/30, 2011. Develop action plan and present
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2 3 4 5 6 7	know different class of trade. Q. When you use the term "class of trade," what does that mean? A. Class of trade, is, you know, the various different types of, of customers. So you might have a customer that is a midsize	2 3 4 5 6 7	Q. And then at the very bottom it states, "Complete evaluation of current system V DEA requirements and prepare executive summary by 4/30, 2011. Develop action plan and present to management by 6/1, and implement system with automated business system test environment by
2 3 4 5 6 7 8	know different class of trade. Q. When you use the term "class of trade," what does that mean? A. Class of trade, is, you know, the various different types of, of customers. So you might have a customer that is a midsize distributor, a large distributor, a chain	2 3 4 5 6 7 8	Q. And then at the very bottom it states, "Complete evaluation of current system V DEA requirements and prepare executive summary by 4/30, 2011. Develop action plan and present to management by 6/1, and implement system with automated business system test environment by end of fourth quarter."
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1	Page 181		Page 182
	Exhibit 11.	1	that?
2	(Handing.)	2	A. It was our, our project.
3	A. Thank you.	3	Q. And so speaking generally about the
4	Q. Mr. Napoli, can you look at what I've	4	Buzzeo entity, I think you had said today that
5	marked as Exhibit 11? While you're looking at	5	you had worked with them previously in the
6	it, I'll read into the record it's	6	course of your work at Watson; is that right?
7	ALLERGAN MDL 03535028 through 5030.	7	A. Correct.
8	When you're ready, when you're ready,	8	Q. And as you think of it, did you work
9	can you tell me what this appears to you to be?	9	with consultants other than Buzzeo that provided
10	(Document review.)	10	similar services while you were at Watson?
11	A. Yes. It's a Statement of Work from	11	A. I mean primarily from a consulting
12	Buzzeo PDMA, also known as Cegedim. And it's to	12	standpoint, we would utilize Buzzeo. I'm trying
13	conduct what we discussed in my, my goals and my	13	to think if there are any other
14	performance review to do an analysis of our SOM	14	There may have been another firm, but
15	program and discuss our approach, meet with IT	15	I'm just drawing a blank right now.
16	and compliance teams, discuss data, and the, the	16	Q. Do you remember whether with regards
17	current model and any improvements that can be	17	to the Phase II that you talked about in your
18	made.	18	annual review for the Suspicious Order
19		19	Monitoring program at Watson, whether you
	Q. So with regard to this Statement of	20	entertained bids or proposals from anyone other
20	Work No. 1, do you know who would have who	21	than Buzzeo PDMA?
21	would have, at Watson, negotiated this statement	22	A. Perhaps ValueCentric, but I can't be
22	of work with Buzzeo?	23	100 percent sure.
23	A. Likely myself and Scott Soltis.	24	Q. So what do you know about
24	Q. All right. And what makes you think	24	Q. So what do you know about
	Page 183		Page 184
1	ValueCentric?	1	Q. Okay. So this document appears to me
			Ç,
2	A. ValueCentric is another organization	2	to be signed by Mr. Soltis, I think, is it
3	A. ValueCentric is another organization that is in the business of providing data to the	2 3	
	_		to be signed by Mr. Soltis, I think, is it
3	that is in the business of providing data to the	3	to be signed by Mr. Soltis, I think, is it July 28th, 2011?
3 4	that is in the business of providing data to the pharmaceutical industry.	3 4	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm.
3 4 5	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person	3 4 5	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.)
3 4 5 6	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric?	3 4 5 6	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes.
3 4 5 6 7	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No.	3 4 5 6 7	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement
3 4 5 6 7 8	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when	3 4 5 6 7 8	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in
3 4 5 6 7 8 9	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever	3 4 5 6 7 8	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with
3 4 5 6 7 8 9	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity?	3 4 5 6 7 8 9	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of
3 4 5 6 7 8 9 10	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not.	3 4 5 6 7 8 9 10	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost?
3 4 5 6 7 8 9 10 11	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson	3 4 5 6 7 8 9 10 11	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual
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3 4 5 6 7 8 9 10 11 12 13 14 15 16	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson contracted with the ValueCentric entity? MR. KNAPP: Foundation. A. I believe sales and marketing may have utilized their services. Q. Okay. Anybody else that you know of?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual named Paul Hamby, H-a-m-b-y, and Bob Williamson, common spelling. Q. And Mr. Hamby I think we mentioned earlier today. When did you first meet Mr. Hamby?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson contracted with the ValueCentric entity? MR. KNAPP: Foundation. A. I believe sales and marketing may have utilized their services. Q. Okay. Anybody else that you know of? A. No, I don't.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual named Paul Hamby, H-a-m-b-y, and Bob Williamson, common spelling. Q. And Mr. Hamby I think we mentioned earlier today. When did you first meet Mr. Hamby? A. Likely in the mid-2000s at a Buzzeo
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson contracted with the ValueCentric entity? MR. KNAPP: Foundation. A. I believe sales and marketing may have utilized their services. Q. Okay. Anybody else that you know of? A. No, I don't. Q. All right. So with regard to this	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual named Paul Hamby, H-a-m-b-y, and Bob Williamson, common spelling. Q. And Mr. Hamby I think we mentioned earlier today. When did you first meet Mr. Hamby? A. Likely in the mid-2000s at a Buzzeo conference.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson contracted with the ValueCentric entity? MR. KNAPP: Foundation. A. I believe sales and marketing may have utilized their services. Q. Okay. Anybody else that you know of? A. No, I don't. Q. All right. So with regard to this Statement of Work No. 1, it's marked as	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual named Paul Hamby, H-a-m-b-y, and Bob Williamson, common spelling. Q. And Mr. Hamby I think we mentioned earlier today. When did you first meet Mr. Hamby? A. Likely in the mid-2000s at a Buzzeo conference. Q. How about Mr. Williamson?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson contracted with the ValueCentric entity? MR. KNAPP: Foundation. A. I believe sales and marketing may have utilized their services. Q. Okay. Anybody else that you know of? A. No, I don't. Q. All right. So with regard to this Statement of Work No. 1, it's marked as Exhibit 11, who in particular, if anyone, at the	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual named Paul Hamby, H-a-m-b-y, and Bob Williamson, common spelling. Q. And Mr. Hamby I think we mentioned earlier today. When did you first meet Mr. Hamby? A. Likely in the mid-2000s at a Buzzeo conference. Q. How about Mr. Williamson? A. Same. Mr. Caverly we talked about
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that is in the business of providing data to the pharmaceutical industry. Q. Can you think of a particular person that you recognize as a contact at ValueCentric? A. No. Q. Do you know whether you were when you were at Watson or Actavis, your group ever contracted with the ValueCentric entity? A. My group did not. Q. Do you know if anyone at Watson contracted with the ValueCentric entity? MR. KNAPP: Foundation. A. I believe sales and marketing may have utilized their services. Q. Okay. Anybody else that you know of? A. No, I don't. Q. All right. So with regard to this Statement of Work No. 1, it's marked as Exhibit 11, who in particular, if anyone, at the Buzzeo PDMA group did you negotiate with?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to be signed by Mr. Soltis, I think, is it July 28th, 2011? A. Um-hmm. (Document review.) A. Yes. Q. So before that time, as the agreement was coming together, is there anyone in particular at Buzzeo PDMA that you worked with to get a mutual understanding of the scope of the project and the cost? A. Yeah. Likely it was an individual named Paul Hamby, H-a-m-b-y, and Bob Williamson, common spelling. Q. And Mr. Hamby I think we mentioned earlier today. When did you first meet Mr. Hamby? A. Likely in the mid-2000s at a Buzzeo conference. Q. How about Mr. Williamson? A. Same. Mr. Caverly we talked about earlier now. This is the first introduction to

	Page 185		Page 186
1	this document aside for now.	1	Cegedim Dendrite," and it states "Thursday,
2	(Witness complies.)	2	September 8th, 2011."
3	BY MR. EGLER:	3	Do you remember this particular
4	Q. I'll hand you what we will mark as	4	meeting?
5	Exhibit 12.	5	A. I don't.
6	(Napoli Exhibit 12, Meeting Minutes	6	Q. Can you, can you tell from the
7	dated 9/8/11 ALLERGAN_MDL_02176488 through	7	context of this where this meeting would have
8	6492, marked for identification, as of this	8	been held?
9	date.)	9	A. Likely in our Parsippany office.
10	BY MR. EGLER:	10	Q. Do you remember having a meeting like
11	Q. And Mr. Napoli, can you look at what	11	this with people from Cegedim Dendrite in
12	I've marked as Exhibit 12?	12	September 2011?
13	And while you're looking at it, I'll	13	A. Yes.
14	note for the record that it's numbered	14	Q. And there's a person there under
15	ALLERGAN_MDL_02176488 through 6492.	15	attendees, Robert C. Williamson.
16	When you're ready, can you tell me if	16	Is that Bob Williamson Bob
17	you recognize this document?	17	Williamson that you were talking about before?
18	A. I do recognize it.	18	A. Bob Williamson, yes.
19	Q. What is it?	19	Q. And there's the name underneath
20	A. It looks like a meeting minutes from	20	there Jonathan Kuhn, Ph.D.
21	an initial meeting that we had with Cegedim	21	Do you know Mr. Kuhn or Dr. Kuhn?
22	regarding the SOMS assessment.	22	A. Yes. He's a statistician who worked
23	Q. So in the subject, on the first page,	23	for Cegedim.
24	page 88 states, "SOMS meeting system evaluation,	24	Q. And then there are various people
	Page 187		Dama 100
	1430 107		Page 188
1	listed beyond there; Scott Soltis, Mary Woods,	1	Q. As you read this, do you know who
1 2	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra	1 2	
	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep		Q. As you read this, do you know who
2	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke.	2	Q. As you read this, do you know who would have typed the text in there that appears there? A. No.
2	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep	2 3	Q. As you read this, do you know who would have typed the text in there that appears there?
2 3 4	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke.	2 3 4	Q. As you read this, do you know who would have typed the text in there that appears there?A. No.Q. Do you think it was you?A. No.
2 3 4 5	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read	2 3 4 5	 Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of
2 3 4 5 6 7 8	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes.	2 3 4 5 6	 Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included
2 3 4 5 6 7	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have	2 3 4 5 6 7	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project."
2 3 4 5 6 7 8	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have seen the name Jaydeep Shukla earlier today. Who	2 3 4 5 6 7 8 9	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project." What is Anda, as you understand it in
2 3 4 5 6 7 8 9 10	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have seen the name Jaydeep Shukla earlier today. Who is is it Mr. or Ms. Shukla?	2 3 4 5 6 7 8 9 10	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project." What is Anda, as you understand it in the context of Watson?
2 3 4 5 6 7 8 9 10 11	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have seen the name Jaydeep Shukla earlier today. Who is is it Mr. or Ms. Shukla? A. Jaydeep eventually joined our DEA	2 3 4 5 6 7 8 9 10 11	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project." What is Anda, as you understand it in the context of Watson? A. Anda is a pharmaceutical distributor
2 3 4 5 6 7 8 9 10	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have seen the name Jaydeep Shukla earlier today. Who is is it Mr. or Ms. Shukla? A. Jaydeep eventually joined our DEA affairs team as an associate or a DEA compliance	2 3 4 5 6 7 8 9 10 11 12 13	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project." What is Anda, as you understand it in the context of Watson? A. Anda is a pharmaceutical distributor that, when we acquired Andrx, they were a part
2 3 4 5 6 7 8 9 10 11 12 13 14	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have seen the name Jaydeep Shukla earlier today. Who is is it Mr. or Ms. Shukla? A. Jaydeep eventually joined our DEA affairs team as an associate or a DEA compliance specialist.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project." What is Anda, as you understand it in the context of Watson? A. Anda is a pharmaceutical distributor that, when we acquired Andrx, they were a part of that organization. But they were treated as
2 3 4 5 6 7 8 9 10 11 12 13 14	listed beyond there; Scott Soltis, Mary Woods, Larry Schaffer, Justin Park, Laura Pinti, Sandra Simmons, Lisa Scott, Lynn DaCunha, Jaydeep Shukla, Rick Robbins, and Napoleon Clarke. Did all those people that I just read their names, did all those people work at Watson? A. Yes. Q. All right. I don't think we have seen the name Jaydeep Shukla earlier today. Who is is it Mr. or Ms. Shukla? A. Jaydeep eventually joined our DEA affairs team as an associate or a DEA compliance specialist. Q. All right. And then Rick Robbins,	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. As you read this, do you know who would have typed the text in there that appears there? A. No. Q. Do you think it was you? A. No. Q. So it states, "Overview of organization," and it says, "Anda not included in the scope of this project." What is Anda, as you understand it in the context of Watson? A. Anda is a pharmaceutical distributor that, when we acquired Andrx, they were a part of that organization. But they were treated as a separate entity. They weren't part of our
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Page 189 Page 190 1 Q. And then in parentheses, "Concerta 1 Do you remember whether you said 2 P&G," close parentheses. 2 something like that at this meeting and what you 3 3 So there are, I think, four things meant by it? 4 listed there. 4 A. It's possible. 5 But do you remember having a 5 Q. What would you have meant by it? 6 discussion of Watson having \$498 million of CS 6 A. It meant that although we had a 7 products sold in 2010 and the top four products 7 compliant system, it was very labor intensive, 8 being hydrocodone, oxycodone, fentanyl and and we were looking to make enhancements to the 9 methylphenidate? 9 program that would sharpen the tool for us. 10 A. It's entirely possible. 10 Maybe have we have a statistician there where --11 Q. All right. And then the next entry 11 to look at algorithms that were currently 12 is, "Enable and sustain growth of business," and 12 developing with the, the advance of technology 13 then dash "security and compliance." 13 itself, or to take a look at is there a way that Do you have an understanding of 14 14 we could do this more efficiently to take some 15 whether you said something like this at the 15 of the labor intensivity out of it and to have meeting and what you meant by it? 16 16 it autocalibrate. 17 A. What I would have meant by that is 17 Q. So when you say "labor intensivity," to, you know, from a business perspective, to 18 18 as you think about the labor intensive part of 19 support the business and -- but to make sure 19 the Suspicious Order Monitoring System and 20 that we do it in a secure and compliant manner. 20 Watson around this time, mid to late 2011, what 21 Q. All right. And then the next 21 was labor intensive about it? 22 statement is, "Systemic upgrade" and then it 2.2 A. We pended a lot of orders in the 23 says, "Take labor and subjectivity out of the 23 system that need to be reviewed. 24 department." 24 Q. And so as you think about it, what Page 191 Page 192 1 was your proposed means of reducing the labor 1 system, where although we had a compliant 2 intensiveness of the system? 2 system, it -- we wanted to, again, sharpen the, 3 3 you know, the sensitivity. So by -- and I'm A. Automation. 4 Q. Would the automation replace -- let 4 just putting this out there. If we looked at 5 5 six parameters, we wanted to -- maybe Buzzeo had me start over. 6 As I think of the system, there are 6 a statistical algorithm of like 12. Maybe we 7 three basic parts; the SAP system, and then the 7 could reduce the number, because we had an awful 8 initial order management team consideration, and 8 lot of false positives in our system, so we 9 the potential DEA team consideration. 9 wanted to be more accurate and take -- and by So as you think about taking the less labor, it means less false positives, less 10 10 11 labor intensive part out of it, if those are the 11 time spent on reviewing orders that we didn't 12 correct stages of the system, which part are you 12 need to have to. Because that was one of the 13 thinking of? 13 issues. We reviewed a lot of orders because we 14 A. Well, just to back up and clarify, 14 erred on the side of being conservative. We when I think of our SOM system, I don't think 15 15 rather look at too many orders than not look at just of SAP. I think of a holistic approach enough. 16 16 17 that begins with the Know Your Customer 17 Q. So with regard to that issue and 18 initiative and vetting. trying to make the automated part of the 18 19 And then we have the systemic 19 Suspicious Order Monitoring System more 2.0 20 approach to it, which we're talking about, then accurate, is that a good word or --21 also the evaluation investigative aspect as 21 A. No, because it was accurate, but we 22 22 just wanted to make it more efficient. well, too, and the monitoring. 23 But in this aspect, we were talking 23 Q. More efficient. strictly about the automated aspect of the 24 24 Was there ever any consideration that

Page 193 Page 194 A. Not specifically. I mean, we already 1 the system wasn't pulling up enough suspicious 1 2 orders? 2 looked at hydrocodone as a molecule, which would 3 3 MR. LUXTON: Objection to form. include Norco. 4 A. The system wasn't pulling up 4 Q. Was there any discussion of whether 5 suspicious orders. The system was pulling up 5 to add more variables or data to examine the 6 orders of interest that were pending and it -- I 6 known diversion issues with the hydrocodone 7 7 would not say it didn't pull up enough. I think molecule? 8 we pulled up a lot of orders that were, I would 8 A. Again, known diversion issues -- what 9 say, false positives that we had to -- had to 9 known diversion issues are you talking about? 10 work through. 10 Q. So we are talking about the Exhibit, 11 Q. Was there ever any consideration that 11 I think, 8 before, the email... 12 the Suspicious Order Monitoring System at Watson 12 (Document review.) 13 around this time in 2011 was not pulling up or 13 BY MR. EGLER: 14 not pending orders that were suspicious or would 14 Q. What we marked as Exhibit 8, there is 15 be suspicious if examined? 15 a statement from Mr. Herrera that says, "The 16 A. No. 16 agents were" -- "that were interested were from 17 MR. KNAPP: Objection to form. 17 the San Diego field office, and there was a 18 BY MR. EGLER: 18 presentation by SD County prosecutor that keyed 19 Q. Was there ever any discussion of the, 19 on the diversion wave in SD, especially Watson 20 for example, the Norco diversion issue and 20 hydro and Norco really hard." 21 whether the Suspicious Order Monitoring System 21 Do you remember, and this is 2.2 could be tuned to better examine issues raised 22 April 2010, do you remember in 2011 when 23 to the diversion of Norco? 23 recalibrating the Suspicious Order Monitoring 24 MR. KNAPP: Form and foundation. 24 System at Watson, whether there was ever any Page 195 Page 196 discussion of finding data or variables that they say they heard in a conversation with, with 1 1 2 would help to track diversion in, say, San Diego 2 someone from San Diego. 3 County, California? 3 There was no official communication 4 A. No. Our system designed for our SOMS 4 from anyone in California or San Diego to us as 5 program was in accordance with the DEA 5 an organization about a wave. So this is 6 regulations for us to identify or that deviated 6 someone's -- you're taking someone's 7 7 in size, pattern or frequency with, with our interpretation of an event that they went to. 8 trading partners, with our partners. That's 8 Q. Did you --9 what it was geared towards. 9 MR. LUXTON: Sorry to interrupt, but 10 Q. The DEA didn't instruct registrants 10 some of the people on the phone notified me 11 on the formulas or algorithms they were to use 11 that they are having a real tough time 12 in constructing their Suspicious Order 12 hearing, so I wanted to slide this over, if 13 Monitoring systems; is that right? 13 you don't mine, a little. 14 A. That's correct. 14 THE WITNESS: Yeah. Sure. Q. And was there any consideration at 15 15 MR. KNAPP: If you can just try to Watson at this time after having been told by 16 16 keep your voice up. 17 the San Diego field office of the DEA that there 17 THE WITNESS: Sure. MR. KNAPP: Thanks. was a diversion wave in San Diego that there 18 18 19 should be some analysis of how to account for 19 BY MR. EGLER: Q. With regard to the, the DEA field 20 that wave or analyze it or anything? 20 21 MR. KNAPP: Objection to form. Asked 2.1 office and the DEA in general, Watson provided 22 and answered multiple times. 22 the -- the -- I can't remember the name. 23 A. And I'll state that, you know, you're 23 What are the fake pills? 24 basing this premise on someone's version of what 24 A. Placebo.

Page 197 Page 198 1 Q. Watson provided the placebo pills to 1 A. They were looking to do a reverse buy 2 the DEA as part of their processes; is that 2 because of illicit activities with product. 3 3 Q. So did you ever ask the DEA what the right? illicit activities that the DEA thought were 4 A. Right. 4 5 Q. And when you or whoever at Watson 5 going on were? 6 talked to the DEA agents, did you get an 6 A. The DEA nor any law enforcement 7 understanding of why they were asking for 7 agency is going to share any active 8 placebo Norco pills? 8 investigation details with you. 9 A. If they requested Norco, yes. 9 Q. After the DEA requested the Norco 10 Q. What was your understanding of why 10 placebo pills, did you do any media analysis or court docket analysis to determine whether 11 they were asking for placebo Norco pills? 11 12 Watson's drugs were part of an indictment or 12 A. To perform a reverse buy because of 13 an illicit diversion. 13 bust or publicized investigation anywhere in the Q. Did the Suspicious Order Monitoring 14 country? 14 15 System at Watson ever take into account the 15 A. As part of our, our security issues raised by the DEA in seeking the placebo 16 16 department's charge, we obviously would monitor 17 pills? 17 the federal register or media for any type of 18 appearance of our product that involved in any 18 A. Can you clarify? 19 MR. KNAPP: Objection to form. 19 type of activities. 20 20 BY MR. EGLER: Q. But particularly, after the DEA asked 21 Q. Do you know why the DEA was asking 21 you for the fake pills, the placebos, did you 22 22 ever try to follow up in the media or court for the placebo pills? 23 A. I just explained that. 23 records to determine if they busted somebody for 24 Q. Can you say it again? I just --24 trying to buy the pills? Page 199 Page 200 would not be solely for Norco either. So it MR. KNAPP: Objection to form. Asked 1 1 2 and answered. 2 could be any particular product. 3 A. I don't recall. 3 Q. But you are aware that the DEA was 4 Q. Did you ever instruct anyone to go 4 asking for placebo pills of Norco, right? 5 keep this on a tickler file to see if anything 5 A. Right. I think it was ten bottles. 6 ever came up about it? 6 Q. And when you met with Buzzeo, the 7 7 Buzzeo people, did you ask if there was a way A. We had a proactive posture as it was, 8 so we continually monitored for these type of 8 that you could tune the Suspicious Order 9 9 Monitoring System to examine any diversion activities. 10 Q. Do you remember ever finding anything 10 issues with regard to Norco? 11 11 A. When you say "diversion issues," out about it? 12 A. Not about this particular case. 12 where, where I'm trying to get an understanding Q. Well, do you know whether all the 13 13 is "diversion" is kind of a blanket term. pills that the DEA got from Norco or got from 14 14 There's different types of diversion. You can Watson, all the placebo pills were used in one have a cargo theft. You can have a loss in 15 15 transit. You can have a theft. You can have a 16 case? 16 17 A. I don't know. 17 non-righteous prescription. So you -- it's kind 18 Q. As you think about it over, say, 2010 18 of a broad term that you're using. 19 and 2011, do you have an understanding of how 19 So what we did was, with our 2.0 many bottles of placebo Norco Watson supplied to 20 Suspicious Order Monitoring program, is that we, 21 the DEA? 2.1 we designed our system, as many other A. I don't, but it wouldn't -- it wasn't 2.2 22 registrants did, to ensure that we are meeting 23 a lot. We didn't get a -- it wasn't a high 23 our compliance under the Code of Federal 24 volume of requests that we got. And a request 24 Regulations, under our corresponding

Page 202 Page 201 1 responsibility, which was the relationship 1 MR. LUXTON: Objection to form. 2 between us and our direct customer. And, again, 2 A. It's possible depending on the 3 our Know Your Customer aspect of our, of our 3 circumstance. 4 program dealt with getting more into who their 4 Q. But it's your understanding that 5 customers were, what the usages were, as well as 5 there was never an official policy that would any type of follow-up investigative work. But 6 reach out to the sales and marketing people to 6 7 as far the expectation for a SOMS program, to be 7 incorporate market-based data to determine 8 able to reach that far down into the supply 8 whether an order should penned; is that right? 9 chain is just not realistic. 9 A. Right. 10 10 Q. Well, Watson reached that, reached Q. So, for example, the IMS data that, 11 that far down into the supply chain to examine that Watson bought that gave a view of a -- the 11 12 whether orders should be cleared; is that right? entire market of a generic opioid drug, that was 12 13 A. We reached down to the distributor never incorporated into Watson's or Actavis's 13 14 level. And if the distributor level did not 14 Suspicious Order Monitoring System, the 15 have a satisfactory data for us, we could -- we 15 automated part; is that right? 16 would ask them for the third-party information 16 MR. KNAPP: Foundation. 17 as to who they were distributing to. So that 17 MR. LUXTON: Foundation. 18 was all done with our direct customer. We 18 A. I'm not an expert on IMS data. I do 19 weren't reaching out to individual pharmacies. 19 know that there are limitations to that data. 20 Q. There were instances when Watson's 20 It's retrospective as well as I don't know if 21 customer service group reached out to the sales 21 you can get as granular as to what you may be 22 and marketing people for market data to 22 indicating. So I can't, I can't really speak to 23 determine whether pended orders should be 23 that as an expert. 24 cleared; is that right? 24 Q. The Suspicious Order Monitoring Page 203 Page 204 System, as you understand it, typically uses 1 trying to estimate market share. Or if you're 1 2 2 retrospective data; is that right? potentially launching a product, what your 3 3 anticipated launch. You know, it sometimes was A. We're actually basing a current order 4 based on a six-month history. 4 used to support a quota request, but not 5 5 necessarily -- we didn't use it as part of our Q. Right. 6 6 So the six-month history is SOMS program. 7 7 Q. So who at Watson was in charge of the retrospective; is that right? 8 A. Yeah, to an extent. But it's, it's 8 quota request? 9 giving you a current snapshot of what the, the 9 A. I was involved with quota request. 10 10 Q. So you would have been -- in the average looks like. 11 Q. An average of the past six months? 11 course of your work, you would have encountered 12 12 IMS data; is that right? A. Right. 13 And do you know how current the IMS 13 But when you talk about IMS data, 14 data that was available to Watson in, say, 2010 14 there's all different types of data. So this, going forward was? 15 15 you know, if it was a quota request, if it was 16 for something like a launch, sales and marketing 16 A. I don't. And, again, I'm -- just to 17 reiterate, I'm not an IMS expert. I don't have 17 would provide us justification and that, based 18 18 a lot of breadth of knowledge with the topic. on data, they anticipate capturing this much of 19 Q. Do you remember ever asking anybody 19 a market, for example, of a product. 20 2.0 at Watson or anywhere else about what the Q. So where that DEA quota is 21 currentness of any IMS data that would be 21 established, typically annually? 22 22 available would be? A. Yes. 23 A. No. I know IMS data was used for 23 Q. And as part of the analysis that you 24 product launches. It was used for, you know, 24 would do at Watson, would you examine IMS data,

Page 205 Page 206 1 say, for -- let me start over. 1 but you're estimating that we're going to launch 2 2 As you think about the annual this generic version of this product that's 3 3 analysis that you did for the generic opioids at currently marketed by pharmaceutical company 4 Watson, would that involve looking at the IMS 4 ABC, okay? So there is market data. So if this 5 5 is the brand and these are the total data across the various NDAs for a particular 6 prescriptions, we anticipate that a generic 6 molecule to establish Watson's deserved level of 7 7 could possibly take 80 percent of that market. quota? 8 So if the total prescriptions for 8 A. Are you talking about ours against 9 9 this, for this molecule, or this product in this others or --10 case, represents this number, that then we would 10 Q. Yes. 11 do an exercise based on that to determine how 11 A. No. 12 much active material we would need to produce 12 Q. Would you look at the entire market 13 quantities for launch and post-launch quantities 13 for a particular molecule? 14 to have inventory on hand. 14 A. No. It's part of the quota request 15 Q. So with regard to the data that you 15 process that, you know, that's not something DEA 16 would buy from IMS for this, was there ever, as 16 would consider. The DEA would, would grant your 17 you know, as far as you know, any restrictions 17 quota request based on your historical sales and 18 put on the use of the data? 18 nothing to do with anybody else's in the market, 19 A. Again, I, I didn't extensively use 19 so it would not be relevant. 20 IMS data, and I was not involved of any type of 20 What would you use the IMS data for 21 interaction with IMS or the purchase of the 21 22 data. Any data that I received was really just 2.2 A. For -- if you wanted to make a DEA 23 as I articulated and provided by sales and 23 request for quota and it's -- maybe it's a new 24 marketing. 2.4 product, so you don't have any sales history, Page 207 Page 208 1 particular drug under that quota, would Watson 1 Q. As you think about the launching of 2 these generics that you're talking about, about 2 use the IMS data that it had purchased in 3 how many times did you do it when you were in 3 furtherance of the quota request to inform its 4 charge of the DEA affairs group at Watson and 4 algorithms and formulas in the Suspicious Order Monitoring System? 5 then Actavis? 5 MR. KNAPP: Form. 6 6 MR. LUXTON: Objection to form. 7 A. How often did we launch a product? 7 A. If you're -- if you're talking about 8 Well, about how many times, yeah. 8 a new product launch, we would receive data 9 A. It's hard to quantify, but it was not 9 from, not necessarily IMS data, but based on 10 a typical activity in my department. 10 from our sales and marketing folks as far as 11 Q. More than once a year? 11 what we can expect as potential quantities based 12 A. Once a year, if that. 12 on their interactions with customers. We would So with regard to the IMS market data 13 13 receive estimates on, on that. that would be collected, if the drug -- let me 14 14 Q. So the market would reach -- let me 15 15 start over. start over. With regard to the IMS market data 16 So the data that you would seek out 16 17 that would be collected by Watson, would Watson 17 with regard to a new product launch would relate 18 use that data to inform its Suspicious Order 18 to the demand for the particular Watson generic? 19 Monitoring System if the drug was approved? 19 Is that right to say? 20 So if Watson -- I'll ask this A. Right. 20 21 differently. 21 Q. And not for the demand for the, the 2.2 A. Okay. 22 comparable NDC-coded generics? 23 Q. If Watson was granted part of the 23 A. You lost me there. quota by the DEA and was allowed to market a 24 24 Q. So -- and I appreciate you taking the

Page 209 Page 210 1 time with me. 1 BY MR. EGLER: 2 A. Yeah, not a problem. 2 Q. To inform the Suspicious Order 3 Q. So what's your understanding of an 3 Monitoring System? 4 NDC code? 4 MR. KNAPP: Same objection. 5 A. National Drug Code is a number that, 5 A. I'm still trying to grasp here. 6 a unique number that is established and produced 6 Looking at IMS data for the innovator 7 by the FDA for a particular drug. And it 7 or the brand product are you talking about? Or 8 indicates the manufacturer, the labeling code, 8 for what? 9 the quantity and fill size of a product and the 9 Q. Well, as I'm thinking about it, for strength. 10 10 any complimentary NDC code. So if there is a Q. Right. brand version that's 100 pills of 20 milligrams 11 11 12 So if it was -- so an NDC code would 12 each and then if there is a generic version of 13 say, for example, it was a bottle of a 100 13 100 pills, it's 20 milligrams each, did you ever 14 pills, 20 milligrams each of a particular drug; 14 seek that type of data out to inform the SOM 15 is that right? 15 program? 16 A. Right. 16 A. Well, the -- like I said, the 17 Q. Did you or anyone at Watson ever seek 17 information we received in regards to if we're out complimentary NDC codes -- let me start 18 talking about a product launch here is, again, 18 19 19 we're going to make our case to the DEA for over. 20 Did you or anyone at Watson ever seek 20 quantities that we need, and we're going to 21 out IMS data to complimentary NDC codes when 21 establish what launch quantities would be. 22 launching a particular generic opioid? 22 These launch quantities are based on what our MR. KNAPP: Objection. Foundation. 23 23 customers' needs will be. MR. LUXTON: Objection. 24 24 So they are going to articulate to Page 211 Page 212 us, that, hey, we buy -- and this -- this is a 1 you knew of at Watson ever did an analysis to 1 2 process that we would, you know, our marketing 2 determine whether the initial demand from any of 3 folks would meet with these folks. This is what 3 your customers was due to improper ordering or we currently do in the brand, and we're going to 4 4 improper delivering so that the initial demand be replacing probably 80 percent or whatever, 50 5 5 was improperly high? percent of that with your product. 6 6 MR. LUXTON: Objection. Form. 7 So that's basically where these 7 A. Like I said, we did analysis of what 8 numbers are established as to what we can expect 8 their current, their current business is. These 9 as what that customer's order behavior is going 9 are all customers, most -- they're not new 10 to be. 10 customers. These are customers that are 11 And what we would do in our SOM 11 existing that we've done due diligence on, that 12 system is we would receive this data, and what 12 we have a -- we maintain a relationship with we would do for any type of new product or even 13 13 them and that we have conversations with about an NDC code change is we would essentially put 14 14 these types of activities. 15 the SOMS program on pend everything. Because we 15 And so we have a certain comfort 16 wanted to pend every single one of their orders 16 level that our -- you know, that having these 17 going forward for at least six months to say, 17 strong customer relationships that, you know, and that they have a history of doing the right 18 okay, to make sure that they're ordering 18 19 patterns were righteous with what they're 19 thing. 2.0 telling us in order to, in order to establish a 20 But we'll also look at what customers 21 baseline of normal ordering behavior prior to 21 that they are going to distribute to. That is putting the system into the -- into the current 2.2 22 all part of the process. 23 system. 23 Q. Do you remember whether Agent 24 Q. Do you remember whether you or anyone 24 Rannazzisi ever warned registrants to examine

	Page 213		Page 214
1	initial levels of orders by pharmacies or	1	document, it says "Bob's overview DEA." And I
2	distributors to determine whether the initial	2	had asked you this before.
3	level of a new customer was improperly high?	3	This isn't your writing here,
4	A. I don't know if Deputy Administrator	4	correct?
5	Rannazzisi offered that information. That's	5	A. Right.
6	something that we would have done anyway as just	6	Q. This description of Bob's overview?
7	part of our due diligence.	7	A. Correct.
8	Q. And how would you have done that?	8	Q. It says, "DEA plays by their own
9	A. As I just detailed.	9	rules. Shoot first and ask questions later.
10	Q. Okay. Anything else that you can	10	They have a tendency to interpret the regs the
11	think of?	11	way they want to and have been successful being
12	A. No.	12	aggressive against companies. Bob requested a
13	Q. All right. And going back to this	13	list of all our customers from Napoleon,
14	Exhibit 12, I think we were on page 2.	14	discussed customers, and would like a list of
15	A. Okay.	15	all our List 1 chemical customers."
16	Q. There's throughout this document,	16	In the context of your work, what
17	there is a reference to a person named Bob.	17	does the term "List 1" mean?
18	Is that Robert Williamson?	18	A. A List 1 chemical is a chemical that
19	A. Yes, sir.	19	can be a precursor or a chemical entity that's
20	Q. All right. And here it says we	20	used in the manufacture of a product like a
21	were talking about your discussion or your	21	pseudoephedrine, ephedrine. These List 1
22	presentation on the first page.	22	chemicals can also be diverted and used in the
23	A. Um-hmm.	23	illicit manufacture of methamphetamine,
24	Q. And on the second page of the	24	therefore DEA controlled or regulated those
	Page 215		
1		1	Page 216 that means?
1 2	schedule listed chemical products. Q. And then going down to No. 5, it says	1 2	
	schedule listed chemical products.		that means?
2	schedule listed chemical products. Q. And then going down to No. 5, it says	2	that means? A. I think it's Bob stating that their
2	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS."	2 3	that means? A. I think it's Bob stating that their product is statistically defensible and also
2 3 4	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm.	2 3 4	that means? A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well.
2 3 4 5	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2	2 3 4 5	that means? A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the
2 3 4 5 6	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2 A. Sure.	2 3 4 5 6	that means? A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the last page of the exhibit. It's 6492.
2 3 4 5 6 7	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2 A. Sure. Q do you remember ever having a	2 3 4 5 6 7	that means? A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the last page of the exhibit. It's 6492. A. Yes.
2 3 4 5 6 7 8	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2 A. Sure. Q do you remember ever having a discussion with Bob about whether the DEA plays	2 3 4 5 6 7 8	that means? A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the last page of the exhibit. It's 6492. A. Yes. Q. And it states, "Orders: How many
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2 A. Sure. Q do you remember ever having a discussion with Bob about whether the DEA plays by their own rules and she shoot first and ask questions later? A. No. Q. All right. A. Bob is was a former senior member of DEA. That's purely his opinion. Q. All right. So I think going to the next page, No. 7, Bob's discussion again, it says, "DEA wants performance-based approach, statistically defendable model, uses language and regulations, September 2011 letter. No clients ever called Bob's organization	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the last page of the exhibit. It's 6492. A. Yes. Q. And it states, "Orders: How many ways are orders are placed? EDI, Electronic Data Intercheck." In the context of your work, do you know what that term means? A. It can be an order that's placed in an automated fashion with within the system. So maybe one SAP system talking to another business's in the electronic data exchange. Q. All right. So then down on No. 17, it says "Path forward, evaluation 10 working days. Bob reviews everything with Ron Buzzeo. All communication will go to Tom and Scott.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2 A. Sure. Q do you remember ever having a discussion with Bob about whether the DEA plays by their own rules and she shoot first and ask questions later? A. No. Q. All right. A. Bob is was a former senior member of DEA. That's purely his opinion. Q. All right. So I think going to the next page, No. 7, Bob's discussion again, it says, "DEA wants performance-based approach, statistically defendable model, uses language and regulations, September 2011 letter. No clients ever called Bob's organization questioning the SOMS program." K That sentence there, "No clients ever called Bob's organization questioning the SOMS	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the last page of the exhibit. It's 6492. A. Yes. Q. And it states, "Orders: How many ways are orders are placed? EDI, Electronic Data Intercheck." In the context of your work, do you know what that term means? A. It can be an order that's placed in an automated fashion with within the system. So maybe one SAP system talking to another business's in the electronic data exchange. Q. All right. So then down on No. 17, it says "Path forward, evaluation 10 working days. Bob reviews everything with Ron Buzzeo. All communication will go to Tom and Scott. They recommended that SOMS and compliance
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	schedule listed chemical products. Q. And then going down to No. 5, it says "OMS and SOMS." A. Um-hmm. Q. Oh, but going back to that No. 2 A. Sure. Q do you remember ever having a discussion with Bob about whether the DEA plays by their own rules and she shoot first and ask questions later? A. No. Q. All right. A. Bob is was a former senior member of DEA. That's purely his opinion. Q. All right. So I think going to the next page, No. 7, Bob's discussion again, it says, "DEA wants performance-based approach, statistically defendable model, uses language and regulations, September 2011 letter. No clients ever called Bob's organization questioning the SOMS program." K That sentence there, "No clients ever	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I think it's Bob stating that their product is statistically defensible and also that, you know, Bob's selling a product as well. Q. Okay. Can you turn to it's the last page of the exhibit. It's 6492. A. Yes. Q. And it states, "Orders: How many ways are orders are placed? EDI, Electronic Data Intercheck." In the context of your work, do you know what that term means? A. It can be an order that's placed in an automated fashion with within the system. So maybe one SAP system talking to another business's in the electronic data exchange. Q. All right. So then down on No. 17, it says "Path forward, evaluation 10 working days. Bob reviews everything with Ron Buzzeo. All communication will go to Tom and Scott. They recommended that SOMS and compliance regulation is tied into legal. And future

1	Page 217		Page 218
	Do you remember having that	1	Q. What is it?
2	discussion during this meeting?	2	A. This is a security awareness
3	A. I don't specifically. It was a while	3	presentation that I put together to talk about
4	ago, but I'm sure it took place.	4	to our security managers, our operations
5	Q. All right. You can set that document	5	management, and our employees. Because part of
6	aside.	6	our security program was security awareness, we
7	(Napoli Exhibit 13, Document entitled	7	wanted to have conversations with our employees
8	"controlled Substance Awareness:	8	about that drug diversion does exist and to talk
9	Understanding the Threat," Bates-stamped	9	about some of these instances and also to
10	ALLERGAN_MDL_02054999 through 5022, marked	10	identify ways in which we can continually, you
11	for identification, as of this date.)	11	know, raise the awareness of employees so we can
12	BY MR. EGLER:	12	focus on ensuring that we have effective
13	Q. I'll hand you what we will mark as	13	controls in place to, to mitigate the loss of
14	Exhibit 13. Can you look at Exhibit 13? And as	14	any of these products.
15	you're looking at it, I'll read into the record	15	Q. Okay. With regard to this document,
16	that the first page well, the first page has	16	it states "date created," on the first page,
17	no Bates numbers on it, but starting on the	17	"February 2009" and "date last modified,
18	second page, it's ALLERGAN_MDL_02054999 through	18	August 2011"?
19	5022.	19	A. Okay.
20	Mr. Napoli, when you're ready, will	20	Q. And it also states it's from your
21	you tell me if you recognize the presentation	21	custodial file.
22	that appears after the first page of this	22	Do you remember using this document
23	Exhibit 13?	23	around 2011?
24	A. I recognize it.	24	A. I don't specifically, but it's
	Page 219		Page 220
1	possible.	1	A. Controlled substance compliance U.S.
2	Q. I think you said that this	2	
		4	Q. So that is underneath you; is that
3	typically or this would be a presentation	3	Q. So that is underneath you; is that right?
3 4	typically or this would be a presentation that you would typically give to employees		•
		3	right?
4	that you would typically give to employees	3 4	right? A. Yes.
4 5	that you would typically give to employees internally; is that right?	3 4 5	right? A. Yes. Q. And then with regard to the Mark
4 5 6	that you would typically give to employees internally; is that right? A. Management supervisors, as well as	3 4 5 6	right? A. Yes. Q. And then with regard to the Mark is it Buban?
4 5 6 7	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level	3 4 5 6 7	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban.
4 5 6 7 8	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the	3 4 5 6 7 8	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban?
4 5 6 7 8 9	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in	3 4 5 6 7 8	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm.
4 5 6 7 8 9	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general.	3 4 5 6 7 8 9	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security
4 5 6 7 8 9 10	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can	3 4 5 6 7 8 9 10	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City?
4 5 6 7 8 9 10 11	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it	3 4 5 6 7 8 9 10 11	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm.
4 5 6 7 8 9 10 11 12	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"?	3 4 5 6 7 8 9 10 11 12 13	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson
4 5 6 7 8 9 10 11 12 13 14	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.)	3 4 5 6 7 8 9 10 11 12 13	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to
4 5 6 7 8 9 10 11 12 13 14 15	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio.
4 5 6 7 8 9 10 11 12 13 14 15	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a	3 4 5 6 7 8 9 10 11 12 13 14 15	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to
4 5 6 7 8 9 10 11 12 13 14 15 16	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a number of people that appear on this	3 4 5 6 7 8 9 10 11 12 13 14 15 16	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to be honest with you. It was not my my focus
4 5 6 7 8 9 10 11 12 13 14 15 16 17	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a number of people that appear on this organizational chart. And your name appears on	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to be honest with you. It was not my my focus was on the controlled drug. But from a
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a number of people that appear on this organizational chart. And your name appears on the far left-hand side; is that right? A. Correct. Q. And where, if anywhere, on this is	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to be honest with you. It was not my my focus was on the controlled drug. But from a controlled drug standpoint, as we talked about
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a number of people that appear on this organizational chart. And your name appears on the far left-hand side; is that right? A. Correct.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to be honest with you. It was not my my focus was on the controlled drug. But from a controlled drug standpoint, as we talked about before, testosterone, fentanyl transdermal and
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a number of people that appear on this organizational chart. And your name appears on the far left-hand side; is that right? A. Correct. Q. And where, if anywhere, on this is	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to be honest with you. It was not my my focus was on the controlled drug. But from a controlled drug standpoint, as we talked about before, testosterone, fentanyl transdermal and methylphenidate transdermal.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that you would typically give to employees internally; is that right? A. Management supervisors, as well as security. And, again, it was to raise the level of understanding of the, you know, of the threats around controlled substance products in general. Q. So with regard to this document, can you turn into the document to page 004 where it says "Organizational overview"? (Witness complies.) A. Yes. Q. And I think we had talked about a number of people that appear on this organizational chart. And your name appears on the far left-hand side; is that right? A. Correct. Q. And where, if anywhere, on this is the would the Suspicious Order Monitoring	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	right? A. Yes. Q. And then with regard to the Mark is it Buban? A. Buban. Q. Buban? A. Um-hmm. Q. That's B-u-b-a-n. Manager, security and product protection Salt Lake City? A. Um-hmm. Q. Do you remember what products Watson made in its Salt Lake City facility? A. Salt Lake City had a broad portfolio. And I, I couldn't speak to the non-controls, to be honest with you. It was not my my focus was on the controlled drug. But from a controlled drug standpoint, as we talked about before, testosterone, fentanyl transdermal and methylphenidate transdermal. Q. So the next page, 005, it states, "We

	Page 221		Page 222
1	"prescribed for legitimate medical need in the	1	A. So we're trying to familiarize our
2	U.S. and encountered by law enforcement on the	2	security team members, as well as supervisors
3	street."	3	and managers, about the illicit use of these
4	I think we talked about that earlier;	4	products. You know, our products are developed
5	is that right?	5	and marketed for to reduce legitimate pain in
6	_	6	those in suffering, but also there is a
7	A. Yup.Q. And going to page 007, it says,	7	percentage of products that are that wind up
8	"hydrocodone" and then in parentheses, "see	8	in illicit markets. And we're just providing
9	Roman numeral 3."	9	insight to our employee to our members of
10		10	management, supervisors, and security folks
11	Is that right? A. Correct.	11	about the illicit side.
12		12	
	Q. It says, "Street names: Vikes,	13	Q. You write and this is 2011, I think, when this is written.
13 14	Hydro and Norco"? A. Um-hmm.	14	A. Um-hmm.
15	Q. And then you write, "In 2006, DEA	15	Q. "In 2006, DEA documented the
16	documented the diversion of millions of dosage	16	diversion of millions of dosage units."
17	units." And then you write, "The United States	17	Why did you write that?
18	consumes 99 percent of the global hydrocodone	18	A. Just to convey the magnitude of some
19	supply."	19	of the issues that are going on.
20	Why did you write that on here?	20	Q. All right.
21	A. Which statement?	21	And the next one is, "The United
22	Q. Well, let's go through the three of	22	States consumes 99 percent of the global
23	them.	23	hydrocodone supply."
24	The street name?	24	A. Right.
	Page 223		Page 224
1	O. Why did you write that?	1	
1 2	Q. Why did you write that?A. To put it in perspective as well.	1 2	removes the opportunity for theft" A. Um-hmm.
	A. To put it in perspective as well.		removes the opportunity for theft" A. Um-hmm.
2	A. To put it in perspective as well.Q. And of that, United States, I think	2	removes the opportunity for theft"
2	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25	2 3	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention
2 3 4	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California,	2 3 4	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees
2 3 4 5	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25	2 3 4 5	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the
2 3 4 5 6	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes.	2 3 4 5	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and
2 3 4 5 6 7	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's	2 3 4 5 6 7	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious
2 3 4 5 6 7 8	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes.	2 3 4 5 6 7 8	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity."
2 3 4 5 6 7 8	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm.	2 3 4 5 6 7 8	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that
2 3 4 5 6 7 8 9	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm.	2 3 4 5 6 7 8 9	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and
2 3 4 5 6 7 8 9 10	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin	2 3 4 5 6 7 8 9 10	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"?
2 3 4 5 6 7 8 9 10 11	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin users for alleviating effects of withdrawal and	2 3 4 5 6 7 8 9 10 11	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"? A. Because it is a DEA requirement
2 3 4 5 6 7 8 9 10 11 12 13	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin users for alleviating effects of withdrawal and considered a white-collar addiction because of the perceived product safety."	2 3 4 5 6 7 8 9 10 11 12 13	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"? A. Because it is a DEA requirement within the Code of Federal Regulations, and we
2 3 4 5 6 7 8 9 10 11 12 13 14	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin users for alleviating effects of withdrawal and considered a white-collar addiction because of	2 3 4 5 6 7 8 9 10 11 12 13	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"? A. Because it is a DEA requirement within the Code of Federal Regulations, and we wanted to ensure compliance.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin users for alleviating effects of withdrawal and considered a white-collar addiction because of the perceived product safety." Do you remember why you wrote that	2 3 4 5 6 7 8 9 10 11 12 13 14	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"? A. Because it is a DEA requirement within the Code of Federal Regulations, and we wanted to ensure compliance. Q. All right. You can set this document
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin users for alleviating effects of withdrawal and considered a white-collar addiction because of the perceived product safety." Do you remember why you wrote that text in there? A. Again, for employee awareness. Q. And the next page talks about employee theft. But then moving down onto I'm sorry. Page 17 or page 017 in the exhibit.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"? A. Because it is a DEA requirement within the Code of Federal Regulations, and we wanted to ensure compliance. Q. All right. You can set this document aside. (Witness complies.) BY MR. EGLER: Q. I'll hand you what we will mark as Exhibit 14. (Napoli Exhibit 14, NJPIG letter
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. To put it in perspective as well. Q. And of that, United States, I think you had said before, Watson, had is it 25 percent of the quota in its Corona, California, plant; is that right? A. Yes. Q. So and then the next page, 008, it's oxycodone CII. Street names: OC, OX, Oxy? A. Um-hmm. Q. And it says, "Popular among heroin users for alleviating effects of withdrawal and considered a white-collar addiction because of the perceived product safety." Do you remember why you wrote that text in there? A. Again, for employee awareness. Q. And the next page talks about employee theft. But then moving down onto I'm sorry. Page 17 or page 017 in the exhibit. It states, "As management, we must,"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	removes the opportunity for theft" A. Um-hmm. Q "and then ensure that employees understand what their role is in the prevention of loss, consistently comply with the established policies and procedures and obligation to report diversion and suspicious activity." Do you remember why you wrote that down, "obligation to report diversion and suspicious activity"? A. Because it is a DEA requirement within the Code of Federal Regulations, and we wanted to ensure compliance. Q. All right. You can set this document aside. (Witness complies.) BY MR. EGLER: Q. I'll hand you what we will mark as Exhibit 14. (Napoli Exhibit 14, NJPIG letter dated 7/20/11 from NJPIG Committee to

Page 225 Page 226 1 marked for identification, as of this 1 impacting the manufacturers to be able to, to 2 2 date.) manufacture and ensure that there were adequate 3 3 supplies for those patients in need of the BY MR. EGLER: 4 Q. Mr. Napoli, could you look at what we 4 products. 5 Q. So when you that term "delays in 5 marked as Exhibit 14. And as with the prior 6 receiving quota grants" --6 exhibit, I can remember which one, I'll just 7 tell you this didn't come from the Allergan 7 Sure. 8 -- what does that mean? 8 production. 9 A. Okay. 9 It means that, you know, when -- when 10 -- there's is a couple aspects to it. So when 10 Q. That's why the bottom right-hand we talked before about the aggregate quota and corner numbers are different. 11 11 12 also receiving manufacturer procurement quotas 12 A. Okay. and procurement quotas are more relevant to the Q. It states ENDO-OPIOID MDL-02219848 13 13 14 manufacturers of solid-dose products, there are 14 through 19851. But could you look at this 15 established timelines within the DEA regulations 15 document and tell me if you recognize it? 16 that they have to meet, that they're obligated 16 (Document review.) 17 to meet to communicate the grants of 17 A. I do recognize the document. 18 quota-driven materials to industry. 18 O. What is this document? 19 And, for example, these -- there is a 19 A. This looks like a letter that we sent 20 midyear adjustment as well as the towards the 20 on behalf of the New Jersey Pharmaceutical 21 latter part of the year, you'll receive a grant 21 Industry Group to Deputy Administrator Joe 22 for the next calendar year. And the DEA was 22 Rannazzisi. And it was about significant issues 23 consistently not coming close to meeting these 23 that were going on around this time frame with 24 obligations. 24 delays in receiving quota grants that were Page 227 Page 228 letter seeing it when it was in draft form? And by receiving these grants in a 1 1 2 delayed manner, it would impact the company's 2 A. Excuse me? 3 ability to, if you don't understand what, what 3 Q. Would you have seen this letter 4 quota that you're receiving, you can't plan your 4 before it was sent, while it was in draft form? 5 manufacturing campaigns effectively and your 5 A. I would have seen it and I'm sure our 6 manufacturing plants to be able to manufacture 6 attorneys would have seen it as well. 7 7 your product. Q. I was going to ask you that next. 8 When they talk about the procurement 8 Well, let me get a little bit more 9 9 process, the procurement quota process taking general. 10 nine weeks or more, again, that was a process 10 A. Sure. 11 that would typically -- throughout the year, a 11 Q. This letter is dated July 20th, 2011; 12 DEA registrant based on sales, you can go back 12 is that right? 13 to the DEA and request more quota if it 13 A. Yes. 14 justifies. 14 Q. And at this time, July 2011, were you Those types of requests were taking a still involved in the New Jersey Pharmaceutical 15 15 protracted amount of time. Again, that was Industry Group on behalf of your then employer 16 16 17 affecting the supply chain as well and the 17 Watson? 18 manufacturing process. 18 A. Yes. 19 So essentially, this, this letter 19 Q. Was anyone else from Watson involved 2.0 in the New Jersey Pharmaceutical Industry Group was, you know, an appeal to deputy administrator 20 21 for us to try to identify a way where we can 2.1 at that time? 2.2 work on, you know, enhancing or improving these 22 A. I was the main person. 23 timelines. 23 Q. And so if this letter was sent in 24 Q. Do you remember with regards to this 24 draft to the company representatives, you would

	Page 229		Page 230
1	have received it; is that right?	1	A. Yes.
2	A. Correct.	2	Q. And there is a person from Novartis,
3	Q. So when as you think about your	3	Noramco, Purdue, Reckitt Benckiser?
4	general processes or unless you have a	4	A. Benckiser.
5	particular memory, when you would have received	5	Q. Benckiser.
6	the draft of this letter, what would you have	6	And Halo Pharmaceuticals, right?
7	done with it?	7	A. Um-hmm.
8	A. I would have reviewed the letter	8	Q. Do you know why that subgroup of
9	first, and I would have likely reviewed it with	9	people from the NJPIG committee were listed
10	my boss and also have either had a meeting or	10	here?
11	sent it to our legal folks to review.	11	A. Those individuals served as kind of
12	Q. Do you remember in particular with	12	the core committee for the organization itself.
13	regard to this letter, having a meeting with the	13	I don't want to use the term "officers of the
14	legal staff at Watson about it?	14	committee," but that could can be interpreted in
15	A. I don't remember a specific meeting.	15	that way.
16	Q. And do you remember do you have a	16	Q. And one of those people is your
17	particular memory of responding to the NJPIG	17	former co-employee Tracey Hernandez, right?
18	about Watson's official opinion with regards to	18	A. That's correct.
19	this letter?	19	Q. So do you remember talking with her
20	A. I don't.	20	about this letter?
21	Q. Okay. At the end of this letter,	21	A. No.
22	there is the signature block, for lack of better	22	Q. The company that she worked for at
23	term. It says "NJPIG committee."	23	this point, Reckitt
24	Do you see that there?	24	A. Benckiser.
	Page 231		Page 232
1	Q Benckiser, do you know whether	1	Assistant Administrator Rannazzisi around this
2	they made opioids?		
	3 1	2	time frame, July 2011?
3	A. I don't. I don't know the first	3	time frame, July 2011? A. I don't recall any specific issues.
3 4	A. I don't. I don't know the first thing about them.		
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4	A. I don't. I don't know the first thing about them.	3 4	A. I don't recall any specific issues.Q. So this letter talks about quotas; is
4 5	A. I don't. I don't know the first thing about them.Q. Okay. So going back to the first	3 4 5	A. I don't recall any specific issues.Q. So this letter talks about quotas; is that right?
4 5 6	A. I don't. I don't know the first thing about them.Q. Okay. So going back to the first page of this letter, do you remember anyone from	3 4 5 6	A. I don't recall any specific issues.Q. So this letter talks about quotas; is that right?A. Yes, sir.
4 5 6 7	A. I don't. I don't know the first thing about them. Q. Okay. So going back to the first page of this letter, do you remember anyone from Watson let me start over.	3 4 5 6 7	 A. I don't recall any specific issues. Q. So this letter talks about quotas; is that right? A. Yes, sir. Q. And let's start off broadly.
4 5 6 7 8	A. I don't. I don't know the first thing about them. Q. Okay. So going back to the first page of this letter, do you remember anyone from Watson let me start over. Do you remember if anyone from Watson ever told you that this letter was not appropriate to send to Deputy Assistant	3 4 5 6 7 8	 A. I don't recall any specific issues. Q. So this letter talks about quotas; is that right? A. Yes, sir. Q. And let's start off broadly. From the time you started in your DEA affairs position at Watson and through the time you left Actavis, did the quota on any Schedule
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't. I don't know the first thing about them. Q. Okay. So going back to the first page of this letter, do you remember anyone from Watson let me start over. Do you remember if anyone from Watson ever told you that this letter was not appropriate to send to Deputy Assistant Administrator Rannazzisi in July of 2011? A. Not to my knowledge. Q. And do you remember anybody saying that it was appropriate to send? A. I don't have a specific memory. Q. Do you remember anyone from Watson having any edits to the letter A. Not that I'm Q to the draft? A. Not that I'm aware. Sorry. Q. All right. Now do you remember	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't recall any specific issues. Q. So this letter talks about quotas; is that right? A. Yes, sir. Q. And let's start off broadly. From the time you started in your DEA affairs position at Watson and through the time you left Actavis, did the quota on any Schedule II controlled substance granted Watson or Actavis go down? A. I would say by the prior to me leaving the organization? Q. Yes. A. I definitely think that I believe some of the opioids quota went down. Q. Do you have a particular memory of any particular opioid that went down? A. I'm and, again, I don't have the numbers in front of me. Those can be easily
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't. I don't know the first thing about them. Q. Okay. So going back to the first page of this letter, do you remember anyone from Watson let me start over. Do you remember if anyone from Watson ever told you that this letter was not appropriate to send to Deputy Assistant Administrator Rannazzisi in July of 2011? A. Not to my knowledge. Q. And do you remember anybody saying that it was appropriate to send? A. I don't have a specific memory. Q. Do you remember anyone from Watson having any edits to the letter A. Not that I'm Q to the draft? A. Not that I'm aware. Sorry. Q. All right. Now do you remember anyone from Watson ever commenting that beyond	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't recall any specific issues. Q. So this letter talks about quotas; is that right? A. Yes, sir. Q. And let's start off broadly. From the time you started in your DEA affairs position at Watson and through the time you left Actavis, did the quota on any Schedule II controlled substance granted Watson or Actavis go down? A. I would say by the prior to me leaving the organization? Q. Yes. A. I definitely think that I believe some of the opioids quota went down. Q. Do you have a particular memory of any particular opioid that went down? A. I'm and, again, I don't have the numbers in front of me. Those can be easily found in the federal register. But I think that
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't. I don't know the first thing about them. Q. Okay. So going back to the first page of this letter, do you remember anyone from Watson let me start over. Do you remember if anyone from Watson ever told you that this letter was not appropriate to send to Deputy Assistant Administrator Rannazzisi in July of 2011? A. Not to my knowledge. Q. And do you remember anybody saying that it was appropriate to send? A. I don't have a specific memory. Q. Do you remember anyone from Watson having any edits to the letter A. Not that I'm Q to the draft? A. Not that I'm aware. Sorry. Q. All right. Now do you remember anyone from Watson ever commenting that beyond the quota issues that are raised here, there	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't recall any specific issues. Q. So this letter talks about quotas; is that right? A. Yes, sir. Q. And let's start off broadly. From the time you started in your DEA affairs position at Watson and through the time you left Actavis, did the quota on any Schedule II controlled substance granted Watson or Actavis go down? A. I would say by the prior to me leaving the organization? Q. Yes. A. I definitely think that I believe some of the opioids quota went down. Q. Do you have a particular memory of any particular opioid that went down? A. I'm and, again, I don't have the numbers in front of me. Those can be easily found in the federal register. But I think that there were in some of the years where DEA
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't. I don't know the first thing about them. Q. Okay. So going back to the first page of this letter, do you remember anyone from Watson let me start over. Do you remember if anyone from Watson ever told you that this letter was not appropriate to send to Deputy Assistant Administrator Rannazzisi in July of 2011? A. Not to my knowledge. Q. And do you remember anybody saying that it was appropriate to send? A. I don't have a specific memory. Q. Do you remember anyone from Watson having any edits to the letter A. Not that I'm Q to the draft? A. Not that I'm aware. Sorry. Q. All right. Now do you remember anyone from Watson ever commenting that beyond	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't recall any specific issues. Q. So this letter talks about quotas; is that right? A. Yes, sir. Q. And let's start off broadly. From the time you started in your DEA affairs position at Watson and through the time you left Actavis, did the quota on any Schedule II controlled substance granted Watson or Actavis go down? A. I would say by the prior to me leaving the organization? Q. Yes. A. I definitely think that I believe some of the opioids quota went down. Q. Do you have a particular memory of any particular opioid that went down? A. I'm and, again, I don't have the numbers in front of me. Those can be easily found in the federal register. But I think that

Page 233 Page 234 1 that you, you probably saw hydrocodone either 1 just be -- well, organically it would be reduced 2 stayed the same or maybe go down, but I, but I 2 because we would request less. It wasn't an 3 can't swear to that. 3 action taken by DEA to take back your quota, is 4 Q. As you think of it, was any reduction 4 what I'm saying. 5 in quota for an opioid at Watson or Actavis 5 Q. So do you remember making a smaller 6 while you were there the result of 6 quota request on any particular opioids in the 7 company-specific activities or non-activities, 7 time that you worked at Watson or Actavis? 8 8 or were they related to the entire molecule A. I do. 9 market? 9 Q. Can you tell me about it? MR. LUXTON: Objection to form. 10 10 Oxycodone. MR. KNAPP: Objection to form and 11 11 Q. Do you remember what year that was? 12 foundation. 12 It would post 2012. 13 A. So when I just spoke about 13 All right. Any other ones? reductions, I'm, I'm speaking of the aggregate, 14 Not that I recall. 14 15 so that's everybody's. So as far as Watson's 15 Q. So oxycodone, is that a generic name for a brand-name opioid? 16 quota, I don't recall having reduced -- our 16 17 quotas reduced. I mean, our quotas were 17 A. Oxycodone is the molecule, so it's commensurate with what our sales were. It was a 18 the active ingredient which can be used in 18 19 direct relationship there. And I think, you 19 combination products, such as in combination 20 know, there were times I think where our, our 20 with acetaminophen or aspirin. It could also be 21 quota needs went down. 2.1 a single-entity product, such as like an 22 Q. When Watson's quotas needs went down, 22 OxyContin type of product. 23 was their quota reduced? 23 Q. Do you remember whether Watson or 24 A. It wouldn't be reduced. It would 24 Actavis made generic OxyContin? Page 235 Page 236 OxyContin? 1 A. It could have been our due diligence 1 efforts when we re-onboarded legacy customers. 2 2 Q. Yes. 3 3 Q. Do you remember whether a new version A. I'm not sure specifically how far we 4 got into the market with that. I know it was 4 of any brand name of oxycodone came out around 5 5 being developed. I do know that there was a that time? 6 brief time where we were an authorized generic 6 A. As far as a brand? 7 for Purdue Pharma, but that didn't last very 7 Q. Yes. 8 long because of litigation that they had 8 A. We wouldn't have manufactured any 9 ongoing, so that was not a long lasting 9 brand. If you're talking about anything 10 10 marketed by us, we would not -- we didn't have relationship. 11 But as far as -- I can't be exact. I 11 any brand oxy. 12 know that it was a product that was in 12 Q. And beyond any drug marketed by you, 13 development, but I think that it was -- I don't 13 do you remember, say, for example, a know if it ever came to fruition or what the tamper-resistant version of --14 14 distribution of that product was. A. I was just going to say, there were 15 15 various formulations that were being developed 16 Q. So as you think about the reduced 16 17 quota request for oxycodone, do you remember the 17 by innovators such as Purdue where it was 18 18 reason for it? increasing the tamper-resistant for controlled 19 A. I do believe that when -- when we 19 substance single-entity products like OxyContin. 2.0 2.0 transitioned, we when bought legacy Actavis into Q. Do you ever remember whether that 21 organization, it became our SOMS program, there 21 development, the tamper-resistant technology, 22 2.2 was a, a reduction. had an effect of reducing Watson's or Actavis's 23 Q. Do you remember the reason for the 23 quota request? 24 reduction? 24 A. I don't believe there was a direct

	Page 237		Page 238
1	correlation because we are largely talking about	1	inquiring about that?
2	two different types of products where one is	2	A. I don't recall.
3	you know, a product like OxyContin is just	3	Q. As you made the reduced quota demand
4	purely oxycodone in larger controlled release	4	for the
5	quantities, where a lot of the products we	5	A. Well, I mean, obviously if we're
6	manufactured were a combination products with,	6	making a quota request or if we're not due for a
7	you know, smaller amounts, but, but combined	7	quota request is because of diminished sales.
8	with hydrocodone and oxycodone, with	8	Q. Do you remember what the reason for
9	acetaminophen or two different types of delivery	9	the diminished sales were?
10	systems, two different types of products.	10	A. That, I don't know.
11	Probably geared towards different types of	11	Q. All right.
12	patients, I believe, too, as well. I would	12	MR. LUXTON: Before we go to the next
13	imagine OxyContin is delivered more to an	13	document, can we take a quick bathroom
14	individual who has got some chronic pain where	14	break?
15	again you don't want that, the peaks and valleys	15	MR. EGLER: Sure.
16	of the efficacy of the product so	16	THE VIDEOGRAPHER: The time is
17	Q. So with regard to the reduction in	17	2:37 p.m. We are going off the record.
18	quota request that you're thinking of, would you	18	(Recess is taken.)
19	characterize it as a drop-off in demand or a	19	THE VIDEOGRAPHER: We are back on the
20	drop-off in supply or a drop-off in the number	20	record at approximately 3:05 p.m.
21	of customers or something else?	21	(Napoli Exhibit 15, Watson document
22	MR. LUXTON: Objection to form.	22	entitled SOMS Project Evolution IT
23	A. I couldn't speculate on that.	23	Governance Meeting, Bates-stamped
24	Q. Do you remember at some point ever	24	ALLERGAN MDL 02468983 through 68994, marked
	•		12221011 (22_02 100)00 unough 00)) ,
	Page 239		Page 240
1	for identification, as of this date.)	1	A. For this document itself?
2	BY MR. EGLER:	2	Q. This particular document.
3	Q. Mr. Napoli, you understand you are	3	A. I don't have an exact recollection.
4	still under oath?	4	I could have contributed to this.
5	A. Yes.	5	Q. All right. So as you look at this
6	Q. Could you look at what I've just	6	document, do you have an understanding of who
7	marked as Exhibit 15?	7	this presentation was made to?
8	And as with other documents I've	8	A. Based on the fact that it's an IT
9	handed you today, the first page has no Bates	9	governance meeting, I'm thinking perhaps some
I			
10	number, but starting on the second page, the	10	our IT folks.
10 11	number, but starting on the second page, the Bates numbers are ALLERGAN_MDL_02468983 through	10	our IT folks. Q. Have you ever heard that term "IT
11	Bates numbers are ALLERGAN_MDL_02468983 through	11	Q. Have you ever heard that term "IT
11 12	Bates numbers are ALLERGAN_MDL_02468983 through 68994.	11 12	Q. Have you ever heard that term "IT governance" in the course of your work at
11 12 13	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document,	11 12 13	Q. Have you ever heard that term "IT governance" in the course of your work at Watson?
11 12 13 14	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize	11 12 13 14	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have.
11 12 13 14 15	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it.	11 12 13 14 15	Q. Have you ever heard that term "IT governance" in the course of your work at Watson?A. I have.Q. What does that term mean to you?
11 12 13 14 15	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.)	11 12 13 14 15 16	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective,
11 12 13 14 15 16	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.) A. I do.	11 12 13 14 15 16 17	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective, I would think, and it's IT, I would think that
11 12 13 14 15 16 17	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.) A. I do. Q. What is this document?	11 12 13 14 15 16 17	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective, I would think, and it's IT, I would think that ensuring that any systems or IT-related programs
11 12 13 14 15 16 17 18	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.) A. I do. Q. What is this document? A. It's a document I guess detailing the	11 12 13 14 15 16 17 18	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective, I would think, and it's IT, I would think that ensuring that any systems or IT-related programs that we're utilizing within the organization
11 12 13 14 15 16 17 18 19	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.) A. I do. Q. What is this document? A. It's a document I guess detailing the anatomy of our SOMS project.	11 12 13 14 15 16 17 18 19 20	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective, I would think, and it's IT, I would think that ensuring that any systems or IT-related programs that we're utilizing within the organization meet the requirements in compliance with our
11 12 13 14 15 16 17 18 19 20 21	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.) A. I do. Q. What is this document? A. It's a document I guess detailing the anatomy of our SOMS project. Q. So as you think about this document,	11 12 13 14 15 16 17 18 19 20 21	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective, I would think, and it's IT, I would think that ensuring that any systems or IT-related programs that we're utilizing within the organization meet the requirements in compliance with our standard operating procedures.
11 12 13 14 15 16 17 18 19 20 21 22	Bates numbers are ALLERGAN_MDL_02468983 through 68994. Can you take a look at this document, and when you're ready, tell me if you recognize it. (Document review.) A. I do. Q. What is this document? A. It's a document I guess detailing the anatomy of our SOMS project. Q. So as you think about this document, that is Exhibit 15, were you responsible for it	11 12 13 14 15 16 17 18 19 20 21 22	Q. Have you ever heard that term "IT governance" in the course of your work at Watson? A. I have. Q. What does that term mean to you? A. Well, from a governance perspective, I would think, and it's IT, I would think that ensuring that any systems or IT-related programs that we're utilizing within the organization meet the requirements in compliance with our standard operating procedures. Q. When you think of an IT department at

Page 242 Page 241 1 particular people that stand out in your mind? 1 guidance, December letter of 2000." It states, 2 2 A. Not really. "Registrants that rely on rigid formulas to 3 3 Q. So going into this document, on the define whether an order is suspicious may be 4 fourth page, it's 8984. At the top of the page 4 failing to detect suspicious orders. For 5 it states, "Regulatory Requirement. 5 example, a system that identifies orders as 6 6 suspicious only if the total number exceeds the A. Um-hmm. 7 Q. And it states -- it has the language 7 previous month by a certain percentage or more 8 8 of that 21 CFR 1301.74 (B), right? is insufficient." 9 9 A. Yes. Do you see that there? 10 Q. And you see that? 10 11 11 So I'll just read it in the record. Q. That second group of, or that second 12 paragraph that I read, do you recognize that as 12 "The registrant shall design and 13 operate a system to disclose to the registrant 13 being from the letter authorized by Mr. Rannazzisi? 14 suspicious orders of controlled substances. The 14 15 registrant shall inform the field division of 15 A. Yes. 16 16 the administration in his area of suspicious Q. And do you remember whether, in that 17 orders when discovered by the registrant. 17 same letter, Mr. Rannazzisi highlighted the term Suspicious orders include orders of unusual 18 "include" in the 21 CFR 1301.74 (B) language 18 19 size, orders deviating substantially from a 19 above, that suspicious orders "include" orders 20 20 normal pattern, and orders of unusual of unusual size, orders deviating substantially 21 frequency." 21 from a normal pattern, and orders of unusual 22 22 Do you see that? frequency? 23 A. Yes, sir. 23 A. I don't recall if that was within the 2.4 And then the next one says, "Further 2.4 letter. Page 243 Page 244 Q. And that there may be more than those by static multiplier equals monthly allowable." 1 1 2 three requirements or conditions for something 2 So as you think about that whole page 3 to be a suspicious order? 3 together, does that describe the Watson 4 I don't recall if it was in the 4 Suspicious Order Monitoring System around this A. 5 letter. 5 time April of 2012? 6 Q. All right. So moving down into this, 6 MR. KNAPP: Objection to form. 7 on the next page, page 8985, it states, "Current 7 A. It describes a component of the 8 automated model," and it has various texts 8 system. 9 9 Q. Okay. Then it has that term that we 10 Can you read that text to yourself 10 talked about earlier, "class of trade." 11 and tell me what, in your opinion, it describes? 11 Do you see that there? 12 As you're reading it to yourself, 12 A. Yes. I'll read it into the record. 13 13 Q. Class of trade, it then says, 14 "Current automated model designed and 14 "wholesaler, retail chain, distributor, mail implemented within SAP, primary user is customer 15 order, et cetera." 15 relations," then, dash, "order intake process." 16 Is that what you understand a class 16 17 And then it states, "Based on a 17 of trade to be? 18 'threshold," and then, dash, "customer 18 A. Yes. 19 groupings," and then a bullet point, "class of 19 Q. All right. How about the next language that's down there, "monthly average 2.0 trade," and then three dashes underneath there, 20 21 "wholesaler, retail chain, distributor, 21 based on rolling 12-month period," is that class mail-order, et cetera," then another dash, 2.2 22 of trade? 23 "monthly average based on 12" -- "based on 23 A. No. 24 rolling 12-month period," and then "multiplied 24 Q. Okay. Why would that be listed there

	Page 245		Page 246
1	under "class of trade"?	1	It seems to be similar language to
2	Could it be just a mistake	2	the prior one?
3	A. Yes.	3	A. Yes.
4	Q. All right. And if you were tabbing	4	Q. What does that "customer groupings"
5	it today, putting it under a bullet point or a	5	mean?
6	dash, where would you put it? Would you put it	6	A. Not having authored this document, I
7	as the same as based on a threshold, customer	7	don't know. I don't want to speculate.
8	groupings, or somewhere else?	8	Q. And then it states, "Order pending."
9	A. I may put it under a bullet of	9	And then the next bullet point is, "Multiplier
10	formula.	10	table is populated manually based on
11	Q. Okay. And then the next one,	11	estimation."
12	"multiplied by static multiplier equal monthly	12	Do you have an understanding of what
13	allowable," would you put that under the same	13	that sentence means?
14	formula bullet?	14	A. I believe it indicates that the
15	A. Yes.	15	multiplier is set manually based on a review of
16	Q. So if you can turn to that next page,	16	the what the normal behavior could be
17	8986, it states "Customer groupings."	17	estimated to be with a customer.
18	Do you see that there?	18	Q. Now as you think about your time at
19	A. Yes.	19	Watson and Actavis, do you remember about this
20	Q. And it states, "Individual customer	20	time, April 2012, who would have set the
21	ship to location monthly average based on 12"	21	multiplier that's referred to in this page 8986?
22	no, "monthly average based on rolling 12-month	22	A. Setting the multiplier was the
23	period," and then "multiplied by static	23	responsibility of my group.
24	multiplier equal monthly allowable."	24	Q. Do you remember if there was one
	Page 247		D 040
	149C 217		Page 248
1	person in particular who would have set the	1	Monitoring System complied with the DEA
1 2		1 2	
	person in particular who would have set the		Monitoring System complied with the DEA
2	person in particular who would have set the multiplier?	2	Monitoring System complied with the DEA regulations and laws in April 2012?
2	person in particular who would have set the multiplier? A. I would have authorized it.	2	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific
2 3 4	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the	2 3 4	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to
2 3 4 5	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the	2 3 4 5	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system.
2 3 4 5 6	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a	2 3 4 5 6	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone
2 3 4 5 6 7	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with	2 3 4 5 6 7	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about
2 3 4 5 6 7 8	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with regard to different orders by customers or	2 3 4 5 6 7 8	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about Watson's Suspicious Order Monitoring System
2 3 4 5 6 7 8	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with regard to different orders by customers or something else? A. It would be the same for each customer.	2 3 4 5 6 7 8 9 10	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about Watson's Suspicious Order Monitoring System complying with the DEA regulations and laws around this time? A. Not that I recall.
2 3 4 5 6 7 8 9	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with regard to different orders by customers or something else? A. It would be the same for each customer. Q. So, say, McKesson was one of the	2 3 4 5 6 7 8 9	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about Watson's Suspicious Order Monitoring System complying with the DEA regulations and laws around this time? A. Not that I recall. Q. All right. And then it says below,
2 3 4 5 6 7 8 9 10	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with regard to different orders by customers or something else? A. It would be the same for each customer.	2 3 4 5 6 7 8 9 10	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about Watson's Suspicious Order Monitoring System complying with the DEA regulations and laws around this time? A. Not that I recall. Q. All right. And then it says below, "Increased enforcement action by DEA in the area
2 3 4 5 6 7 8 9 10 11	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with regard to different orders by customers or something else? A. It would be the same for each customer. Q. So, say, McKesson was one of the customers, every multiplier let me start over.	2 3 4 5 6 7 8 9 10 11	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about Watson's Suspicious Order Monitoring System complying with the DEA regulations and laws around this time? A. Not that I recall. Q. All right. And then it says below, "Increased enforcement action by DEA in the area of SOM audits."
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	person in particular who would have set the multiplier? A. I would have authorized it. Q. So with regard to setting the multiplier, as you think about it, would the multiplier be the same for every order by a particular customer or would they differ with regard to different orders by customers or something else? A. It would be the same for each customer. Q. So, say, McKesson was one of the customers, every multiplier let me start over. Say McKesson was one of the customers, the multiplier for every order by McKesson would be the same; is that right? A. Right. Q. So going down further into the document, "Current Automated System Evaluation" down below, it says "Based on compliance concerns." Do you remember there being concerns	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Monitoring System complied with the DEA regulations and laws in April 2012? A. I don't recall any specific compliance concerns, but only our desire to enhance the system. Q. Okay. Do you remember ever anyone ever telling you that they had concerns about Watson's Suspicious Order Monitoring System complying with the DEA regulations and laws around this time? A. Not that I recall. Q. All right. And then it says below, "Increased enforcement action by DEA in the area of SOM audits." And then, "Most recently Cardinal and CVS failing to maintain systems to detect diversion." Do you see that there? A. Yes. Q. Do you remember that around this time that Cardinal Lakeland Distribution Center being shut down? A. I don't have a specific memory, but I
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	Page 249		Page 250
1	was, I don't know if it was completely shut down	1	cross-functional team that's referred to there
2	or if there is was a temporary order. I'm not	2	is the group from customer service and the group
3		3	from the DEA affairs; is that right?
4	sure. Q. And I guess "shut down" isn't the	4	A. That's correct.
5	right way to say it.	5	Q. Oh, and below, it says, "Security and
6	They were unable to sell controlled	6	DEA affairs, IT and customer relations."
7	substances; is that right?	7	And the IT component is programming
8	A. Correct.	8	the automated system into the SAP process; is
9		9	that right?
10	Q. Okay. So the next bullet point down states, "Expectation that we know our customers'	10	A. Right. Or from a project management
11	customers."	11	standpoint of implementing a new if we went
12		12	with a new algorithm into the system.
13	Do you see that there? A. Um-hmm.	13	Q. And then "Establish goals, compliance
14	Q. Do you remember where that language	14	and efficiency."
15	came from, "expectation that we know our," that	15	And, again, do you remember there
16	we, quote, "know our customers' customers,"	16	being a discussion about compliance around this
17	unquote?	17	time frame?
18	A. I don't.	18	A. No. I do not.
19	Q. It states, "Cross-functional team	19	Q. All right. And then the next one is,
20	established in 2010."	20	"Budgeted for third-party evaluation in 2011."
21	And I think we talked about that	21	A. Right.
22	before, right?	22	Q. And then turning to the next page,
23	A. Right.	23	"Automated System Evaluation," it starts talking
24	Q. And as you understand it, the	24	about Cegedim-Dendrite; is that right?
2 1	Q. And as you understand it, the	24	about Cegedini-Dendric, is that right:
	Page 251		- 050
	rage 231		Page 252
1	A. Yes.	1	
1 2		1 2	Do you see that there? A. I do.
	A. Yes.		Do you see that there?
2	A. Yes.Q. And is that the evaluation that we	2	Do you see that there? A. I do.
2 3	A. Yes.Q. And is that the evaluation that we were talking about in the exhibit before we took	2	Do you see that there? A. I do. Q. Do you remember that being a finding
2 3 4	A. Yes. Q. And is that the evaluation that we were talking about in the exhibit before we took the break?	2 3 4	Do you see that there? A. I do. Q. Do you remember that being a finding that the Buzzeo group made about the Watson
2 3 4 5	A. Yes.Q. And is that the evaluation that we were talking about in the exhibit before we took the break?A. Correct.	2 3 4 5	Do you see that there? A. I do. Q. Do you remember that being a finding that the Buzzeo group made about the Watson system in early 2012?
2 3 4 5 6	 A. Yes. Q. And is that the evaluation that we were talking about in the exhibit before we took the break? A. Correct. Q. So the next page is "Findings." 	2 3 4 5 6	Do you see that there? A. I do. Q. Do you remember that being a finding that the Buzzeo group made about the Watson system in early 2012? A. I don't have a specific recollection.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And is that the evaluation that we were talking about in the exhibit before we took the break? A. Correct. Q. So the next page is "Findings." Do you see that there? (Document review.) A. Yes. Q. So it states as you see that word "Findings," can you do you have an understanding what that means in the context of this document? A. These would be observations that were made by the consultant. Q. And the consultant was Buzzeo? A. Yes. Q. And it says, "Use of multiplier to create monthly threshold." And it says, "Not consistent with specific requirements noted within regulations and guidance, and current system will detect a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Do you see that there? A. I do. Q. Do you remember that being a finding that the Buzzeo group made about the Watson system in early 2012? A. I don't have a specific recollection. Q. Do you remember and, you know, I put a date limitation on that. Is your lack of specific recollection based on the date or something else? A. It's just it's been a while. Q. And then it states, "Current model evaluates at SKU level." Is that pronounced typically "skew"? A. Yes. Q. All right. What is a SKU? A. A SKU is just one, one product. So it can be oxycodone 10325, 100 fill count, SKU. Q. Do you recognize the difference between a SKU and an NDC code? A. The SKU could be yeah, there, there is a difference between the two. I don't
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	Page 253		Page 254
1	but they're both unique identifiers.	1	states, "Revisit approach to SOM to fully
2	I think what this is saying here is	2	address specific regulatory requirements."
3	that by looking at it at the SKU level, we're	3	And then it states, "Develop SOM that
4	not looking at the total molecule. And that was	4	is a 'non-threshold-based adaptive' I'm
5	an enhancement. So that's something where we	5	sorry, let me read it.
6	could have enhanced.	6	"Develop SOM that is a,
7	Q. All right. So it states, "Current	7	'non-threshold-based adaptive,' system trained
8	model evaluates at SKU level. Possibility of	8	to identify suspicious orders by utilizing a set
9	distributing orders across multiple SKUs without	9	of historic markers to include," and then
10	detection."	10	another bullet point, "statistical scoring of
11	So that's where you're talking about	11	active ingredient order volume versus history,
12	it can be the same, as you refer to it, molecule	12	active ingredient order versus short and
13	but with different SKUs?	13	long-term trend, identification of high/low
14	A. Right.	14	frequency ordering behavior."
15	Q. And then the next one is, "System	15	And then the next bullet point is
16	does not evaluate listed chemicals"?	16	"Base system on milligram strength rather than
17	A. Right.	17	SKU."
18	Q. I think we talked about that earlier	18	A. Um-hmm.
19	as well?	19	Q. And then, "Include list of chemical
20	A. Right.	20	within system."
21	Q. Those are the precursor chemicals	21	And then, "Based on recommendations,
22	that you talked about?	22	GS and DEAA requested a proposal and quote."
23	A. Right.	23	In the context of this document, do
24	Q. And then on the next page, 990, it	24	you know what GS and DEAA would be?
1	A. Global security and DEA affairs.	1	system. You know, the automated system that
2	Q. And your group was DEA affairs; is	2	we're talking about is we are talking about
3	that right?	3	just one component within the system, that's
4	A. Yes.	4	what I want to make clear. So we're not relying
5	O. And then the next dash is "Establish	5	
5 6	Q. And then the next dash is "Establish meeting with IT and consultant."	5 6	on one component of a system as our Suspicious Order Monitoring program.
			on one component of a system as our Suspicious
6	meeting with IT and consultant."	6	on one component of a system as our Suspicious Order Monitoring program.
6 7	meeting with IT and consultant." A. Um-hmm.	6 7	on one component of a system as our Suspicious Order Monitoring program. Q. And as you had been talking about
6 7 8	meeting with IT and consultant." A. Um-hmm. Q. "Understand scope, confirm that	6 7 8	on one component of a system as our Suspicious Order Monitoring program. Q. And as you had been talking about earlier, in addition to this process, there is
6 7 8 9	meeting with IT and consultant." A. Um-hmm. Q. "Understand scope, confirm that solution was appropriate and achievable." And	6 7 8 9	on one component of a system as our Suspicious Order Monitoring program. Q. And as you had been talking about earlier, in addition to this process, there is the onboarding process and reviews; is that
6 7 8 9 10	meeting with IT and consultant." A. Um-hmm. Q. "Understand scope, confirm that solution was appropriate and achievable." And then the next one is "Budgeted for 2012	6 7 8 9	on one component of a system as our Suspicious Order Monitoring program. Q. And as you had been talking about earlier, in addition to this process, there is the onboarding process and reviews; is that right?
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6 7 8 9 10 11 12	meeting with IT and consultant." A. Um-hmm. Q. "Understand scope, confirm that solution was appropriate and achievable." And then the next one is "Budgeted for 2012 implementation." Do you see that there?	6 7 8 9 10 11 12	on one component of a system as our Suspicious Order Monitoring program. Q. And as you had been talking about earlier, in addition to this process, there is the onboarding process and reviews; is that right? A. The Know Your Customer due diligence. Q. And Know Your Customer due diligence.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	meeting with IT and consultant." A. Um-hmm. Q. "Understand scope, confirm that solution was appropriate and achievable." And then the next one is "Budgeted for 2012 implementation." Do you see that there? A. Yes. Q. Do you remember the do you remember whether there was a decision around this time, April 2012, to implement the Buzzeo system at Watson? A. Yes, I believe there was. Q. All right. Do you remember who made that decision? A. It would have been my management. Q. Did you support the conclusion to	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	on one component of a system as our Suspicious Order Monitoring program. Q. And as you had been talking about earlier, in addition to this process, there is the onboarding process and reviews; is that right? A. The Know Your Customer due diligence. Q. And Know Your Customer due diligence. And then beyond the automated system, there is a process of customer service clearing and then, if necessary, DEA affairs clearing of orders; is that right? A. Yes, sir. Q. And if none of those processes work, the order will be reported to the DEA as suspicious; is that right? A. Correct. Q. All right.

	Page 257		Page 258
1	(Witness complies.)	1	2011, is from Lisa Scott to Mary Woods, and it
2	(Napoli Exhibit 16, Watson document	2	cc's you; is that right?
3	entitled SOMS Project Evolution IT	3	A. Yes.
4	Governance Meeting, Bates-stamped	4	Q. And it states, "Investigation
5	ALLERGAN_MDL_02187196 through 87199, marked	5	summary."
6	for identification, as of this date.)	6	And Lisa Scott writes, "Mary, please
7	BY MR. EGLER:	7	see the attached. Thank you."
8	Q. Mr. Napoli, I'm handing you what I	8	Then what follows is a two-page
9	marked as Exhibit 16.	9	attachment that is called "Investigation
10	Mr. Napoli, can you look at that	10	Summary, Suspicious Order, TopRx, Inc."
11	exhibit? And while you're looking through it,	11	And I want to ask generally about
12	I'll read it into the record. It's	12	this two-page part of the exhibit.
13	ALLERGAN_MDL_02187196 through 87199.	13	A. Um-hmm.
14	And I'll tell you for the record,	14	Q. Do you recognize this format?
15	there as I read it, there are two emails in	15	A. I do.
16	this exhibit, plus an attachment. And the last	16	Q. What is this format?
17	email in time, the first one on the page, the	17	A. This would be an investigation
18	first page of Exhibit 16, you're not included in	18	summary that we utilized by our department.
19	that email.	19	Q. So as you think of it, would this be
20	A. Okay.	20	the type of investigation summary that would be
21	Q. So you can read it, but I'm not going	21	done by the DEA affairs group or by the customer
22	to ask you questions about it.	22	service group or something else?
23	A. Okay.	23	A. This was performed by my group, DEA
24	Q. The one below, Tuesday, October 4th,	24	affairs.
	Davis 250		Davis 260
	Page 259		Page 260
	0 411 1 1 7 771 1 1 1 1		4 1 04 4 4 6 1
1	Q. All right. This investigation	1	them know of that, that what our findings
2	summary is then sent to Mary Woods, who was in	2	were and discuss a path forward.
2	summary is then sent to Mary Woods, who was in the customer service group.	2 3	were and discuss a path forward. Q. So at this point in the process, can
2 3 4	summary is then sent to Mary Woods, who was in the customer service group. A. Yes.	2 3 4	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether
2 3 4 5	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why	2 3 4 5	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues
2 3 4 5 6	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why she would be contacted with regard to an	2 3 4 5	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues raised in the investigation summary?
2 3 4 5 6 7	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why she would be contacted with regard to an investigation summary?	2 3 4 5 6 7	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues raised in the investigation summary? A. I know for a fact that we provided
2 3 4 5 6 7 8	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why she would be contacted with regard to an investigation summary? A. Mary was our partner with Suspicious	2 3 4 5 6 7 8	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues raised in the investigation summary? A. I know for a fact that we provided all this information to the DEA.
2 3 4 5 6 7 8	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why she would be contacted with regard to an investigation summary? A. Mary was our partner with Suspicious Order Monitoring, as well as she was on the	2 3 4 5 6 7 8	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues raised in the investigation summary? A. I know for a fact that we provided all this information to the DEA. Q. Would you have provided the
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2 3 4 5 6 7 8 9 10	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why she would be contacted with regard to an investigation summary? A. Mary was our partner with Suspicious Order Monitoring, as well as she was on the customer-facing side as well too. So if we needed to set up a meeting, a partnership	2 3 4 5 6 7 8 9 10	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues raised in the investigation summary? A. I know for a fact that we provided all this information to the DEA. Q. Would you have provided the information to the DEA before this investigation summary was written and before TopRx was
2 3 4 5 6 7 8 9 10 11	summary is then sent to Mary Woods, who was in the customer service group. A. Yes. Q. Do you have an understanding of why she would be contacted with regard to an investigation summary? A. Mary was our partner with Suspicious Order Monitoring, as well as she was on the customer-facing side as well too. So if we needed to set up a meeting, a partnership meeting to discuss this matter, she would be	2 3 4 5 6 7 8 9 10 11	were and discuss a path forward. Q. So at this point in the process, can you tell from the investigation summary whether Watson had contacted the DEA about the issues raised in the investigation summary? A. I know for a fact that we provided all this information to the DEA. Q. Would you have provided the information to the DEA before this investigation summary was written and before TopRx was contacted or after?
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	Page 261		Page 262
1	A. I have a distinct recollection of	1	Picone to Woods with attachments,
2	this case.	2	Bates-stamped ACQUIRED_ACTAVIS_01179002
3	Q. What do you remember about this case?	3	through 005, marked for identification, as
4	A. I remember most of the details of	4	of this date.)
5	this case because I remember that it was	5	A. This looks like the last
6	something that I was involved with in the	6	Q. Okay. This is a repeat. Can you
7	investigation, and that we the type of	7	hand me that back and I'll see if I can get the
8	activities that we uncovered, and I do recall	8	tab off of it. I'll just make another tab. So
9	that this was reported to the DEA.	9	you can set this one aside.
10	Q. Do you remember whether at some point	10	MR. KNAPP: Are we not moving on?
11	Watson stopped shipping to TopRx?	11	MR. EGLER: No, just set it aside.
12	A. Absolutely. We cut them off.	12	I'm going to introduce another document
13	Q. And do you remember whether TopRx's	13	that we'll mark as 17 because we are
14	license was let me start over.	14	totally modular and we don't use electronic
15	Do you remember if TopRx's ability to	15	documents.
16	sell controlled substances was ever withdrawn by	16	BY MR. EGLER:
17	the DEA?	17	Q. With that side trip, Mr. Napoli,
18	A. I don't believe there was any action	18	could you look at this document that we've
19	taken by the DEA against TopRx.	19	marked as Exhibit 17?
20	Q. All right. So let's move on.	20	A. Yes.
21	I'll hand you what we'll mark as	21	Q. And as you're looking at it, I will
22	Exhibit 17.	22	read into the record the Bates numbers, which
23	(Napoli Exhibit 17, Email chain	23	are a new set of Bates numbers, Acquired Actavis
24	beginning with email dated 4/26/12 from	24	Acquired_Actavis_01179002 through 005.
	Page 263		Dama 201
1		1	Page 264
1	I'll represent to you that this	1 2	Q. So the first two pages of this email,
2	I'll represent to you that this document was produced as a family of documents,	2	Q. So the first two pages of this email, of this Exhibit 17, is an April 17th and
2	I'll represent to you that this document was produced as a family of documents, so it's an email, plus other documents put	2 3	Q. So the first two pages of this email, of this Exhibit 17, is an April 17th and April 26th email chain.
2 3 4	I'll represent to you that this document was produced as a family of documents, so it's an email, plus other documents put together.	2 3 4	Q. So the first two pages of this email, of this Exhibit 17, is an April 17th and April 26th email chain. Do you see that there?
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2 3 4 5 6	I'll represent to you that this document was produced as a family of documents, so it's an email, plus other documents put together. A. Um-hmm. Q. And could you read through it	2 3 4 5 6	Q. So the first two pages of this email, of this Exhibit 17, is an April 17th and April 26th email chain. Do you see that there? A. Yes. Q. And the first email in time comes
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I'll represent to you that this document was produced as a family of documents, so it's an email, plus other documents put together. A. Um-hmm. Q. And could you read through it generally and when you're ready, tell me if you recognize this document? A. I don't recognize it. Q. All right. A. I hope you don't ask me to interpret this second attachment here. (Laughter.) Q. And I apologize. A. I don't have my binoculars. Q. The second attachment that you're referring to has teeny, tiny little numbers. And in the course of us talking about this, if you need to refer to that data, I can go and get it on a computer and you can look at it. But I just want to let you know, because it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. So the first two pages of this email, of this Exhibit 17, is an April 17th and April 26th email chain. Do you see that there? A. Yes. Q. And the first email in time comes from Mary Woods and it goes to Napoleon Clarke and Toni Picone? A. Um-hmm. Q. Who is Ms. Picone? A. An individual who worked in marketing with Napoleon. Sales. Q. And it's T-o-n-i? A. Yes. Q. Ms. Woods writes, "Hi, Napoleon and Toni. I have a few marketing questions regarding the hydrocodone market which I am hoping you can assist with. "As you know, the increased order volume in many of the hydrocodone SKUs has been significant over the past several weeks. I am
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Page 265 Page 266 1 And she asked a number -- she makes a 1 O. So Ms. Picone writes back, "Hello 2 2 number of requests for data information. all. Please see answers to the below questions 3 Do you see that there? 3 as per our meeting today." 4 A. I do. 4 And she has six points there. 5 Q. All right. And then that's on 5 "Amneal, Qualitest, and Mallinckrodt are the 6 April 17th. 6 suppliers that customers are telling us the 7 On April 26th, Ms. Picone writes back 7 reasons for the supply shortages in the market. 8 to her and Mr. Clarke, Napoleon Clarke, and cc's 8 Amneal has discontinued to select customers only 9 Lisa Scott, you, Sandy Simmons, Scott Soltis and 9 and Mallinckrodt has sent letters that they have Andrew Boyer. backlog and are trying to ramp up as a result of 10 10 And we haven't talked previously the quota." 11 11 12 12 Do you remember receiving this email? about Mr. Boyer. 13 Do you remember Mr. Boyer? 13 A. I don't. 14 A. Yes. 14 Q. As you sit here today, the email is 15 Q. Who he is? 15 called "Hydrocodone supply issues - market demand." 16 A. Andy Boyer was our head of sales. 16 17 Would Mary Woods's department be 17 As you read that point one that under Mr. Boyer? 18 Ms. Picone writes, what does that mean to you in 18 19 A. Yes. 19 the context of the document? 20 Q. The sales group, like Napoleon 20 A. My interpretation of this document --21 Clarke, he would also be under Mr. Boyer? 21 Q. Yes. 22 A. Correct. 22 A. -- is that there is a shortage due to 23 Q. And so would Ms. Picone? 23 certain manufacturers not receiving quota and 2.4 Yes. 24 having the inability to manufacture. So other Α. Page 267 Page 268 customers of Watson are looking to come over to 1 1 And then she states, "Customers us to order because we had sufficient quota and 2 2 typically do not proactively provide marketing 3 they were looking to order the product to meet 3 with increased forecasts. However, we are 4 their customers' needs. 4 closely monitoring the orders and when we see 5 5 Based on this -- what we're seeking increases in orders, we do reach out to 6 here, this justification is because my team 6 customers to ask for revised forecasts and/or 7 7 likely pended a lot of orders and refused to monitor the 852/chargeback data to determine if 8 move on them until we had justification, which 8 their sales out is increasing." 9 probably prompted this meeting so we can get a 9 She uses that term "852/chargeback 10 rationale around why the change in ordering 10 data." 11 behavior, and you can see in there where we're 11 Are those the same 852 and chargeback 12 requesting data and forecasts so we can put some 12 that we talked about earlier today? 13 rationale around what these new demands would 13 A. 852, yes. Q. And then she states, "If we receive 14 look like for us, rather than just approve these 14 15 increased forecasts from customers, we will orders. 15 16 Q. Okay. Ms. Picone, as you were 16 provide them to the master data team. In 17 talking about it, she writes, "The customers who 17 addition, if the master data team receives 18 are no longer receiving product from Amneal is a 18 revised forecasts, they will provide to 19 permanent change and those who are short for 19 marketing." 20 Mallinckrodt we expect to be temporary." 20 And she says, "There is potential 21 Then she says, "We do not know how 21 market share increase of approximately 15 22 long the increased demand will be for temporary 22 percent to 20 percent based on our share versus 23 change. Mallinckrodt's letter states through 23 our competitors' as of Q4 '11, per the IMS EU 24 May." 24 data."

Page 269 Page 270 1 As you read this document, you see 1 Q. Okay. So total prescriptions written 2 that term IMS EU, what does that mean to you? 2 from IMS, what would that encompass? 3 A. I would interpret it as the -- that 3 A. I believe that would provide the 4 IMS is providing the data on market share. EU, 4 blinded prescription information for a 5 I don't know what that means. I know it's not 5 particular manufacturer's product. 6 European Union. 6 Q. All right. So and as we are talking 7 Q. That was what I was going to ask. 7 about this hydrocodone, do you understand 8 So you don't have any feeling either 8 hydrocodone to be, as we've been talking about 9 way? 9 it, to be a molecule or a product or something 10 A. No. I think this email is a great 10 else? example of communication between the various 11 11 A. It could be -- hydrocodone in its raw departments in making educated decisions on 12 form is a molecule. The product itself is when 12 rationalizing orders, though. 13 13 it's in a finished dosage form. Q. So let's keep going on it. I agree 14 14 Q. In fact, was Norco a hydrocodone 15 with you. 15 product? 16 She says, "I have attached recent TRX 16 A. Yes. 17 data from IMS so you can see the market trends 17 Q. Ms. Picone is sending the total by competitor. I also attached a copy of 18 18 prescription data from IRS -- from IMS so that 19 Mallinckrodt's letter that they sent to 19 Mary Woods can see market trends by competitor, 20 customers for your reference." 20 and that would relate to the hydrocodone market; 21 So that reference there, TRX data 21 is that right? 22 from IMS, do you have an understanding of what 2.2 A. Yes. 23 that means? 23 Q. So at any time did you seek data on 24 A. Total prescriptions written. 24 market trends by competitor to inform the Page 271 Page 272 automatic part of the -- or the automated part 1 1 would have went to us because we're seeing a 2 of the SOM system at Watson or Actavis? 2 trend here of these orders that are way out of 3 3 line with ordering behavior, and that's what A. No. 4 Q. Okay. Then you said that this was a 4 prompted this whole team meeting and discussion 5 good example of communication between the 5 and we identified that there was a market issue. 6 various groups at Watson; is that right? 6 So we wanted to explore that because we want to 7 7 A. Right. explain why we're seeing these spikes in 8 Q. And do you remember whether this type 8 ordering behavior. 9 of communication took place to inform the 9 Q. And the market issue that you 10 automated part of the Suspicious Order 10 analyzed with regard to this time frame, did you 11 Monitoring System at Watson? 11 ever look at those market issues and try to 12 A. When you refer to the automated part, 12 import them into the automated part of the 13 I mean -- I think you would be referring to the 13 Suspicious Order Monitoring System? 14 folks that manage the SOMS program, so that 14 A. I don't think there would be a way to would be my group. So certainly we were incorporate those into this, but just of having 15 15 definitely aware of this. This is information that knowledge of what these quantities look 16 16 17 we relied on to make educated decisions. 17 like, we would be -- certainly, our DEA affairs team would be aware of these increases and these Q. And the decisions that you're talking 18 18 19 about would be decisions made once an order 19 volumes so -- because these orders would 20 pended in the -- in the case of your group, once 20 continue to pend. It wouldn't be part of a 21 an order pended and then was investigated by the 2.1 12-month rolling history. So these would pend 22 customer service group; is that right? 22 every month and we would review to make sure 23 A. Well, initially, this would have been 23 they were in accordance with the data provided to us, and until such time that the ordering 24 investigated by the customer service group. It 24

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1	behavior normalized. And that would be	1	Q. So with regard to the total
2	something that would happen outside of the	2	prescriptions for the market trends by
3	system, outside of the automated system.	3	competitor, the hydrocodone market, as you think
4	Q. So that market demand data that	4	about it here, would that be in the main generic
5	Ms. Picone would is talking about would be used	5	products?
6	to determine whether the orders that had already	6	A. Can you ask the question again,
7	pended should be cleared or passed on to the DEA	7	please?
8	affairs and then the DEA itself; is that fair to	8	Q. So as you think about the hydrocodone
9	say?	9	market
10	A. Right.	10	A. Right.
11	MR. LUXTON: Objection to form.	11	Q generally, around this time frame,
12	BY MR. EGLER:	12	2012, would it be dominated by brand names or
13	Q. But they would not be part of the	13	dominated by generics?
14	automated system itself?	14	MR. KNAPP: Form.
15	A. Right. This is a unique event so	15	MR. LUXTON: Objection to form.
16	that would be hard to implement into an	16	A. I couldn't speak to exactly the
	-	17	percentages.
17	automated system.	18	Q. All right. So with regard to your
18	Q. Do you know if anyone in your group	19	knowledge of Watson's production, we had seen
19	ever asked whether this type of TRX data from	20	earlier that they had 25 percent of the quota
20	IMS could be brought into the Suspicious Order	21	produced out of their Corona, California plant,
21	Monitoring System?	22	plus more from the Florida plant.
22	A. I don't. I don't know what would be	23	As you think about that production,
23	gained by having the total prescriptions by the		
24	whole market in our SOMS system.	24	was that mostly brand names or mostly generic or
	Page 275		Page 276
1	something else?	1	(Witness complies.)
2	A. Mainly generic.	2	(Napoli Exhibit 18, Cegedim document
3	Q. Okay. Are you aware whether the	3	entitled Buzzeo PDMA Suspicious Order
4	Watson balance of brand names versus generics	4	Monitoring Seminar, Bates-stamped
5	was different from the market as a whole?	5	ALLERGAN_MDL_02467214 through 7216, marked
6	A. I can't answer that. I just don't	6	for identification, as of this date.)
7	know.	7	MR. EGLER: Here you go.
8	Q. And as you sit here today, you don't	8	(Handing.)
9	think knowing the entire market trends by	9	BY MR. EGLER:
10	competitor for the hydrocodone supply and demand	10	Q. Mr. Napoli, can you look at the next
11	issues would help inform a Suspicious Order	11	exhibit, it's Exhibit 18.
12	Monitoring System?	12	A. Sure.
13	MR. LUXTON: Objection. Asked and	13	Q. And again, the first page is a
14	answered.	14	metadata page and then on the second page it's
15	A. At this time, I couldn't speculate on	15	ALLERGAN MDL 02467214 through 7216.
16	how the total lawful prescriptions written would	16	Can you look at this document and
17	assist us.	17	tell me if you've ever seen it before.
18	Q. And you're not aware of any time when	18	(Document review.)
19	that type of integration of information was	19	A. I have seen it.
20	discussed at Watson or Actavis; is that right?	20	
21	MR. KNAPP: Form.	21	
22	A. Not that I took part in.		A. This is an agenda from a Suspicious Order Monitoring seminar that was conducted by
23	Q. All right. So you can set this	22	Order Monitoring seminar that was conducted by
24	document aside.	23	Cegedim in Chicago in 2012.
	accuminate action.	24	Q. So on the last page of this document

	Page 277		Page 278
1	entry, three o'clock to 3:45 p m., it says, "SOM	1	I do recollect that one of my key
2	experts compliance panel." It says, "A Q and A	2	topics was about Know Your Customer, because we
3	panel designed to answer your SOMS compliance	3	were recognized as having a strong program and
4	questions."	4	also asked to be on the panel because of over
5	And Mr. Buzzeo is the moderator.	5	the years of my acquiring a great deal of
6	The first person listed on the panel	6	knowledge in the area.
7	is you; is that right?	7	Q. So with regard to the Know Your
8	A. That's correct.	8	Customer topic that you're thinking of, as you
9	Q. Do you remember serving on this panel	9	think about this time end of 2012 at Watson,
10	in October of 2012?	10	about how many customers for controlled
11	A. I do.	11	substance product did Watson have?
12	Q. What did you talk about when you were	12	A. I'd say less than a hundred, but I
13	serving on this panel?	13	don't want to that would be a guess.
14	A. I don't have an exact recollection.	14	Q. Whatever range you're comfortable
15	Q. All right. So as you look at this	15	with saying.
16	panel, you were the only person from a, for lack	16	A. Sure.
17	of a better term, DEA registrant; is that right?	17	O. It's fewer than a hundred.
18	A. Yes.	18	A. Fewer than a hundred.
19	Q. Do you remember having discussions	19	
20	with any other DEA registrants at this	20	
21	conference?		A. Yes.
22	A. I don't have any distinct	21	Q. And as you think about the typical
23	recollections of conversations with our	22	time frame let me start over.
24	registrants.	23	As you think about the time frame of
24	registrants.	24	your being the head of DEA affairs at Watson and
	Page 279		Page 280
1	then Actavis, each year about how many new	1	A. Presented on our process for reaching
2	customers, on average, do you think came in to	2	out, establishing strong relationships with our
3	the company?	3	partners, identifying compliance colleagues at
4	A. Zero.	4	the other organizations, understanding who their
5	Q. All right. And did they have any new	5	customers are and how their business relates to
6	customers at any point?	6	our product, an overview of what their security
7	A. There may have been one or two. We	7	programs and compliance programs are, ensuring
8	had a long-standing customer base and we it	8	that they were compliant with their with
9	was a very rare occasion if we took on a new	9	the CFR, as well as ensuring that we also had a
10	customer for controlled substances.	10	compliance agreement that we would ask our
11	Q. When you talk about the onboarding	11	customers to acknowledge as well too. So.
12	process for the time that you were the head of	12	Q. And around this same time, October of
13	DEA affairs at Watson from 2009 through whenever	13	2012, Watson had planned on implementing the
14	you left, about how many times was there an	14	Buzzeo automation part of the Suspicious Order
15	onboarding process?	15	Monitoring System; is that right?
16	A. I don't have a direct recollection.	16	A. Correct.
17	Q. Fewer than a dozen?	17	Q. And also around the same time, late
18	A. Yes.	18	2012, is this when Watson and Actavis announced
19	Q. Fewer than five?	19	their combination?
20	A. I don't know.	20	A. Yes.
21	Q. All right. And then with regard to	21	Q. So do you remember whether Watson
22	the Know Your Customer processes that you talked	22	implemented the Buzzeo process that it had
23	about on this panel, do you remember what you	23	planned on implementing?
24	presented on?	24	A. They did not.
1	*		•

Page 281 Page 282 1 Q. Do you remember what it did instead? 1 (Napoli Exhibit 19, Email chain 2 A. We continued with our -- our current 2 beginning with email dated 9/27/12 from 3 3 system. The reason why we didn't implement it, Napoli to Lepore and others, Bates-stamped 4 with the acquisition of Actavis, there was a 4 ALLERGAN MDL 04173111 through 113, marked 5 freeze-out period within SAP because of this --5 for identification, as of this date.) 6 without getting too into detail, the process of BY MR. EGLER: 6 7 lifting an entire company and moving all their 7 Q. Received what's marked as Exhibit 19, 8 products into the business system, there was a 8 can you look through it. As you're looking 9 quite extensive freeze-out period where you 9 through it generally, I'll read on the record, 10 couldn't make any changes to the business 10 it's ALLERGAN_MDL_04173111 through 113. 11 system. So that would have held us back from 11 And as you look at this document, can 12 implementing our system. 12 you tell me what it appears to you to be? 13 Q. And that freeze out and 13 (Document review.) implementation took place in the years 2012 and 14 14 A. This appears to be an email that is 15 2013; is that right? 15 in regards to our Suspicious Order Monitoring 16 A. We had at Watson/Actavis there was a 16 folks, the customer service side, pending an 17 period where there was a series of, what I would 17 order for further review for an increase, and us call, multiple M&A activities in successive 18 18 asking for additional information and 19 years. 19 subsequently releasing the order. 20 Okay. Let let's leave it at that for Q. 20 Q. On the second page of Exhibit 19, the 21 now. 21 first email in time, Victoria Lepore writes to a 22 A. Okay. 2.2 person named Jared Green and Robert Gettus about 23 Q. All right. Let's move on. You can an order that's being held; is that right? 23 2.4 set that document aside and we'll move on to 19. 24 A. Um-hmm. Page 283 Page 284 Q. And then she writes back to him again 1 1 of a customer's 852 data, sales month over month 2 on September 27th in the morning. 2 by SKU for a particular product, and in this 3 And then the response from Cardinal 3 case it would give us a specific on this product 4 Health is at the top of that page. 4 itself. So it would give us more detail and 5 Do you see that there? 5 insight into the customer's ordering behavior. 6 6 Q. And then she goes on to say, "Based A. Yup. 7 7 Q. All right. And the person from on the controlled substance report, they don't 8 Cardinal Health writes, "We are seeing increased 8 go over their customer's allowance per month 9 volume due to Mallinckrodt being on back order. 9 until this month, and they didn't order any 10 Please let me know what additional information 10 product in August." 11 you need to release this order." 11 This takes place, this email is in 12 Then Ms. Lepore forwards that on to a 12 September; is that right? 13 group of people, not including you, "Attached 13 A. Yes. 14 please find the customer's response along with 14 Q. And then the next email up is later in that day, she writes to the same group, 15 the SOMS order. I'm also attaching the 15 "Please let me know the status of the record. 16 controlled substance for your reference." 16 17 A. I think that means report. 17 Need a response as soon as possible." Q. Okay. What would a controlled 18 A. Um-hmm. 18 19 substance report be in this context, as you 19 Q. And you respond; is that right? 20 understand the workings of the Suspicious Order 20 A. Yes. 21 Monitoring System? 2.1 Q. And you respond, "Hi, Vicky, DEA 22 22 affairs has evaluated and approved -- approves A. A controlled substance report in this 23 context would be most likely an imported or 23 the release of this order. Although the customer is citing Mallinckrodt back order 24 Excel file that would provide us with a snapshot 24

Page 285 Page 286 1 situation as justification, can you have them 1 A. I can't speculate. There may be a 2 2 lot more detail to this behind the email. articulate which customers specifically has have 3 3 been affected and are utilizing Watson product Q. Okay. 4 as a result? Thanks very much. Tom." 4 A. And I'm also confused about the time. 5 So with regard to this email, was it 5 The time is showing that it's before the other 6 your practice to typically release pended orders 6 time email sent. 7 that had been raised to the DEA affairs Group as 7 Q. Right. So what you're pointing out 8 part of your job. 8 is, Victoria Lepore's email is sent on 9 MR. KNAPP: Objection to form. 9 September 27th, 2012 at 2:04 p.m. and your email 10 A. I was not typically in the role of 10 appears to be that same day at 11:51 a.m. 11 releasing orders, but I would do it on occasion. 11 A. Right. 12 Q. Do you have a memory as to why you 12 So about two hours before that. 13 released this particular order? 13 A. 14 A. It could have been one of my staff on Q. All right. But as we sit here today, 14 15 vacation. 15 you don't have a particular memory of this 16 Q. And then with regard to the email 16 process? 17 that you send, you asked for further information 17 A. Correct. from Cardinal about the -- about their 18 18 O. So you can set that one aside. 19 customers. 19 (Witness complies.) 20 Do you see that there? 20 (Napoli Exhibit 20, Email chain 21 A. Right. 21 beginning with email dated 6/26/13 from 22 Q. Do you remember, that was a typical 22 Collins to Napoli, Bates-stamped 23 practice of releasing an order and then asking 23 ALLERGAN MDL 02179760 through 772, marked for more information? 24 2.4 for identification, as of this date.) Page 287 Page 288 Q. Who is Jeff Collins? BY MR. EGLER: 1 1 2 2 Q. I'll hand you what we'll mark as A. Jeff Collins is part of our global 3 Exhibit 20. 3 security team -- was part of our global security 4 4 team and he was a security investigator. Mr. Napoli, can you look at what we 5 5 marked as Exhibit 20 and as you're reading it O. And then there is another name there. 6 I'll read in the record the Bates number. 6 William Simmons. 7 7 We've talked about him earlier today. ALLERGAN MDL 02179760 through 772. 8 When you're ready, can you tell me 8 A. William was my auditor investigator. 9 9 Q. And Mr. Collins writes to you at the what this appears to you to be. 10 last email in time, "Tom, I believe you are out 10 I'll just note for the record, this was produced to us and I double-checked it the 11 of the office today. However, I was hoping you 11 other day, there are consecutive Bates numbers 12 would be able to take a look at this. I want to 12 13 but a couple of the emails are repeated. 13 get some feedback. Miami-Luken has placed an So I don't think it's a copying 14 order for 72 units of Oxy/APAP, 14 10/650-milligram, 100 count. This is on top of 15 issue. I think it's some type of a production 15 issue, but I don't know what caused it. I think the 84 they have already received this month. 16 16 17 it's understandable in that context, though. 17 They're allowable is 53 which would put them 103 18 18 over for the month. They sent along their sales (Document review.) 19 19 for May 1 - June 25, which is helpful and A. Okay. 2.0 produce nothing extraordinary other than one 2.0 Q. All right. So with regard to this 21 email, there is a name Jeff Collins. 21 customer. 22 22 Have we talked about him earlier "McMeans #1 Ashland appears to be a 23 today? 23 local pharmacy in Ashland, Kentucky. They have ordered 42 units of this product during this 24 A. Yes. 24

	Page 289		Page 290
1	time frame which accounts for 4200 pills. This	1	the SOMS investigation form that's at page 9772,
2	account jumps out as having purchased	2	there are various columns and it states Item No,
3	significantly more than the other, which is why	3	Material No, Description, Order Quantity.
4	I'm asking. This is a small rural town of	4	Next to Order Quantity there's
5	21,000 people in the mountains of Kentucky.	5	handwritten notes.
6	"Do you have much knowledge of Miami	6	In the context of your work at
7	Luke in SOMS program, and are you comfortable	7	Watson, do you know what those mean?
8	with this order?"	8	A. There is a reason code, which I think
9	So do you remember receiving this	9	corresponds to why something was released. It
10	particular email?	10	appears that there was none for the last line
11	A. I don't. I have no recollection of	11	item which means it likely was not released.
12	this email.	12	Q. All right. With regard go ahead.
13	Q. Do you remember ever discussing this	13	A. Release quantity
14	particular order with anybody?	14	(Document review.)
15	A. I do not.	15	A. The release quantity, it just
16	Q. All right. And as you look at the	16	indicates the number that would be released
17	last page of this Exhibit 20, the very last	17	because of the order.
18	page, it says Watson Pharma Inc. SOMS	18	Q. Okay. What about the order quantity
19	Investigation Form.	19	there with the 24, 24 and 72 and 5, 24 and 103
20	A. Yes.	20	written in next to it?
21	Q. So is the oxycodone that Mr. Collins	21	Do you know what that means?
22	is discussing listed on this page?	22	A. I'm thinking. I didn't major in math
23	A. I believe it's the last line there.	23	but month-to-date quantity plus 72 equals 103.
24	Q. All right. As you go on this form,	24	No, that can't be.
		1	
	Page 291		Page 292
1	Page 291 Q. Let me just ask you: From the	1	Page 292 Q. Okay.
1 2		1 2	
	Q. Let me just ask you: From the		Q. Okay.
2	Q. Let me just ask you: From the context of your typical work at Watson and	2	Q. Okay.A. And I'm not sure about this being
2 3	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten	2 3	Q. Okay.A. And I'm not sure about this being released or not.
2 3 4	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be?	2 3 4	Q. Okay.A. And I'm not sure about this being released or not.Q. But as you look at it, would you be
2 3 4 5	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be? A. I didn't review these every day.	2 3 4 5	Q. Okay.A. And I'm not sure about this being released or not.Q. But as you look at it, would you be surprised if it was released?
2 3 4 5 6	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be? A. I didn't review these every day. Q. Okay.	2 3 4 5 6	 Q. Okay. A. And I'm not sure about this being released or not. Q. But as you look at it, would you be surprised if it was released? MR. KNAPP: Same objection.
2 3 4 5 6 7	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be? A. I didn't review these every day. Q. Okay. A. And I haven't worked for the company	2 3 4 5 6 7	 Q. Okay. A. And I'm not sure about this being released or not. Q. But as you look at it, would you be surprised if it was released? MR. KNAPP: Same objection. MR. LUXTON: Same. A. I don't know. I don't know if there are other if there were subsequent actions or
2 3 4 5 6 7 8	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be? A. I didn't review these every day. Q. Okay. A. And I haven't worked for the company in several years.	2 3 4 5 6 7 8	 Q. Okay. A. And I'm not sure about this being released or not. Q. But as you look at it, would you be surprised if it was released? MR. KNAPP: Same objection. MR. LUXTON: Same. A. I don't know. I don't know if there
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be? A. I didn't review these every day. Q. Okay. A. And I haven't worked for the company in several years. Q. But you had mentioned on the far right-hand side, Reason Code A. Right. Q there? Do you remember there being at least 12 different reasons as to why not release or hold an order? A. I don't. Q. As you read through this document, would it surprise you if this order was released? MR. KNAPP: Form. MR. LUXTON: Same. (Document review.) A. So the 103 was the number they would	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. A. And I'm not sure about this being released or not. Q. But as you look at it, would you be surprised if it was released? MR. KNAPP: Same objection. MR. LUXTON: Same. A. I don't know. I don't know if there are other if there were subsequent actions or investigation that took place; not contained within here. Q. Based on the information that's in that email there, would you, using your judgment as you sit here today, would you think that the order should be released? MR. KNAPP: Objection to form. MR. LUXTON: Objection to form. A. It would be difficult to judge something that happened that long ago and I don't know if I have all the details there. Q. As you think about what you read in that email, are there any particular pieces of information that you would want to know beyond
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Let me just ask you: From the context of your typical work at Watson and Actavis, you don't know what those handwritten numbers would be? A. I didn't review these every day. Q. Okay. A. And I haven't worked for the company in several years. Q. But you had mentioned on the far right-hand side, Reason Code A. Right. Q there? Do you remember there being at least 12 different reasons as to why not release or hold an order? A. I don't. Q. As you read through this document, would it surprise you if this order was released? MR. KNAPP: Form. MR. LUXTON: Same. (Document review.)	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. A. And I'm not sure about this being released or not. Q. But as you look at it, would you be surprised if it was released? MR. KNAPP: Same objection. MR. LUXTON: Same. A. I don't know. I don't know if there are other if there were subsequent actions or investigation that took place; not contained within here. Q. Based on the information that's in that email there, would you, using your judgment as you sit here today, would you think that the order should be released? MR. KNAPP: Objection to form. MR. LUXTON: Objection to form. A. It would be difficult to judge something that happened that long ago and I don't know if I have all the details there. Q. As you think about what you read in that email, are there any particular pieces of

	Page 293		Page 294
1	A. Probably want to know more about the	1	A. Correct.
2	pharmacy location.	2	Q. Do you remember writing this 2014
3	Q. All right. So let's move on. Here's	3	year-end review of Mr. Simmons?
4	Exhibit 21.	4	A. I don't have a specific recollection,
5	(Napoli Exhibit 21,2014 Year-End	5	but I definitely would have written his review.
6	Review DEA Materials, Bates-stamped	6	Q. All right. I want to look at the key
7	ALLERGAN MDL 03535137 through 143, marked	7	goals and responsibilities that are listed on
8	for identification, as of this date.)	8	the first Bates-stamped page. And No. 9 is
9	BY MR. EGLER:	9	"Identify resources and key personnel to create
10	Q. And if you look at Exhibit 21, the	10	a more comprehensive SOMS program to include
11	first page has no Bates numbers. The second	11	leverage marketing personnel and chargeback
12	page is ALLERGAN_MDL_03535137 through 143.	12	data."
13	And you can look through the whole	13	Do you see that there? It's on the
14	document, but I'm just going to ask you about	14	prior page and it's right here (indicating).
15	what is the third page of the document, the	15	A. Hold on one second.
16	second Bates stamp.	16	O. Number 9.
17	A. Okay.	17	(Document review.)
18	Q. Before that, this is a 2014 it's	18	A. Yes.
19	listed as a 2014 year-end review of William	19	Q. And then on the next page, 138, the
20	Simmons; is that right?	20	second half of Employee Evaluation
21	A. Yes.	21	A. Um-hmm.
22	Q. All right. And Mr. Simmons is a DEA	22	Q is this Mr. Simmons writing,
23	compliance auditor and you are his manager; is	23	"Collaborations with internal personnel have
24	that right?	24	opened the door for the use of chargeback data
	that right.		
	Page 295		Page 296
1	and marketing information as it relates to the	1	Monitoring System?
2	sale/usage of controlled substance. This has	2	
3	_		A. Again, data wouldn't be imported into
_	provided more insight into the downstream	3	A. Again, data wouldn't be imported into the automated system, but this system would be
4	provided more insight into the downstream process of controlled substance ordering, but it	3 4	the automated system, but this system would be
	-		-
4	process of controlled substance ordering, but it	4	the automated system, but this system would be used for analysis by Will as an auditor.
4 5	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior.	4 5	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time
4 5 6	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior. Relations with customer service personnel have	4 5 6	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time frame of this, but there was a point in which we
4 5 6 7	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior.	4 5 6 7	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time
4 5 6 7 8	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior. Relations with customer service personnel have been created to allow for a monthly (or more	4 5 6 7 8	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time frame of this, but there was a point in which we moved out of the security organizations and were
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior. Relations with customer service personnel have been created to allow for a monthly (or more frequent) report of top customers to include buying groups and contract additions/subtractions. Groundwork has been laid to start a collaborative relationship with coworkers as it relates to customer order usage." Do you see that there? A. I do. Q. Do you remember Mr. Simmons having an initiative to use chargeback data and marketing information in the Suspicious Order Monitoring	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time frame of this, but there was a point in which we moved out of the security organizations and were reporting to supply chain. Within the supply chain group we have groups such as market forecasting, demand management. They have various tools to look at forecasts, volume, et cetera, and we were leveraging those relationships to be able to meet more frequently with those folks so we'd have a better understanding of future ordering behavior, as well as looking retrospectively as well. And we also had an individual that
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior. Relations with customer service personnel have been created to allow for a monthly (or more frequent) report of top customers to include buying groups and contract additions/subtractions. Groundwork has been laid to start a collaborative relationship with coworkers as it relates to customer order usage." Do you see that there? A. I do. Q. Do you remember Mr. Simmons having an initiative to use chargeback data and marketing information in the Suspicious Order Monitoring System at Watson or Actavis?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time frame of this, but there was a point in which we moved out of the security organizations and were reporting to supply chain. Within the supply chain group we have groups such as market forecasting, demand management. They have various tools to look at forecasts, volume, et cetera, and we were leveraging those relationships to be able to meet more frequently with those folks so we'd have a better understanding of future ordering behavior, as well as looking retrospectively as well. And we also had an individual that could provide us chargeback data as well
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	process of controlled substance ordering, but it has also provided a better, quote, whole picture, unquote, of ordering behavior. Relations with customer service personnel have been created to allow for a monthly (or more frequent) report of top customers to include buying groups and contract additions/subtractions. Groundwork has been laid to start a collaborative relationship with coworkers as it relates to customer order usage." Do you see that there? A. I do. Q. Do you remember Mr. Simmons having an initiative to use chargeback data and marketing information in the Suspicious Order Monitoring System at Watson or Actavis? A. Yes. Q. All right. Do you remember whether	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the automated system, but this system would be used for analysis by Will as an auditor. So in addition to the data that's listed here, and I'm trying to look at the time frame of this, but there was a point in which we moved out of the security organizations and were reporting to supply chain. Within the supply chain group we have groups such as market forecasting, demand management. They have various tools to look at forecasts, volume, et cetera, and we were leveraging those relationships to be able to meet more frequently with those folks so we'd have a better understanding of future ordering behavior, as well as looking retrospectively as well. And we also had an individual that could provide us chargeback data as well internally. But chargeback data, again, is has

Page 298 Page 297 1 specific products, specific SKUs that we wanted 1 automated system, because it's -- we are talking 2 to focus on, such as hydrocodone and oxycodone. 2 about -- it's an automated system. 3 Q. And as you think about the SKUs and 3 Q. Right. 4 the chargeback data, would that be part of the 4 A. So, you know, Will's role within 5 5 automated SOMS process or part of a process that that -- you know, the automated system was one was after the automated SOMS once an order had 6 6 tool. Looking at reports or forecasting or 7 7 demand that we're seeing, those are all tools pended? 8 8 that Will used as well to make informed A. It would all be retrospective because 9 the chargeback data is something that -- a 9 decisions and to understand, albeit 10 retrospectively, what a specific customer's 10 customer would have to submit a rebate for, so 11 ordering habits were. It essentially gave him 11 that would -- that would all be dependent on 12 more tools in his toolbox to be able to be very 12 when that customer submitted the rebate and when 13 effective in his job. 13 we received and processed pavement. So it's 14 Q. I guess what I'm trying to understand 14 definitely a retrospective tool that Will would 15 is with regard to the data and information that 15 review on a monthly basis to supplement the work 16 Mr. Simmons was getting, as you think of it, 16 he was already doing and also looking at 17 would it help to inform that algorithm or the 17 historical purchasing data by customers. 18 formula or whatever was used that was the 18 Q. The work that Will was doing, was it 19 automated part of the SOM system, or would it 19 informing the automated part of the Suspicious 20 inform other parts of the SOM system, or would 20 Order Monitoring System or would it inform 21 it inform the people examining orders that had 21 decisions made once an order pended? 22 pended, or something else? 2.2 MR. KNAPP: Objection to form. 23 MR. KNAPP: Objection to form. 23 A. I think where I'm getting stuck a 24 MR. LUXTON: Objection. 24 little bit is when you refer to notifying the Page 299 Page 300 A. The data that Will was reviewing 1 decision about whether to pend an order; is that 1 2 is -- again, much of it is retrospective. He 2 fair to say? 3 would use that -- he was using that for analysis 3 A. Right. That is correct. Because this is all history that we're looking at. 4 4 purposes. 5 So, you know, obviously, you know, we 5 Q. All right. MR. KNAPP: Is it about time for 6 want to be making decisions in the realtime when 6 7 7 another break, or am I just ahead of the it came to an order, but to give him perspective 8 and to look at -- to look for trend analysis and 8 time here? 9 things like that and also being proactive as 9 MR. EGLER: No, that's a good idea. 10 possibly as you can with chargeback data, to 10 Let's take a break. 11 look to see if there were any customers that 11 THE VIDEOGRAPHER: The time is 12 were purchasing from multiple sources. 12 approximately 4:21 p m., and we are going off the record. 13 So it was just, again it was one more 13 14 tool that was really autonomous of the automated 14 (Recess is taken.) THE VIDEOGRAPHER: We are back on the 15 system but it was part of our holistic process 15 to have a whole view of as much information we 16 record. The time is approximately 16 17 17 could utilize practically within our program to 4:36 p m. make educated decisions and to really keep our 18 BY MR. EGLER: 18 19 finger on the pulse of our customers. 19 Q. Mr. Napoli, you understand you are 20 2.0 still under oath? Q. So that the profiling of the 21 customers wouldn't be happening on an ongoing 21 A. Yes, sir. 22 Q. Counsel, I've handed you what I have 22 basis by Mr. Simmons, but the information that 23 he's looking at, referring to here in this 23 marked as Exhibit 22. 24 Exhibit 21, would not inform the automated 24 (Napoli Exhibit 22, Email chain

1 be	Page 301		Page 302
	eginning with email dated 6/27/14 from	1	Q. She's listed as I guess it's
	apoli to Simmons, Bates-stamped	2	Dr. Chan-Liston. She's listed as associate
	LLERGAN MDL 02146710 through 714, marked	3	director of global risk management for Actavis,
	r identification, as of this date.)	4	and as you think of it, global risk management,
	MR. EGLER:	5	were they in part or in whole tasked with
	. While you look at it, as you're	6	complying with FDA regulations?
	ng at it I'll read into the record it's	7	A. I don't know. I mean, global risk
	ERGAN_MDL_02146710 through 714.	8	management can imply a lot of things.
9	Can you look at this and tell me,	9	Q. So she says in her email to you and
	you're ready, whether you remember this	10	Ms. Woods, "Dear Mary and Tom. Hello. I'm
	cular set of emails.	11	reaching out to you in regards to some needed
12 partic	I'll just note that, from my reading	12	data regarding our product,
	the first email that you're on appears on	13	Buprenorphine-Naloxone SL tablets. Since this
	econd page of the document.	14	
	. Okay.		product has an FDA-mandated risk mitigation and
	•	15	evaluation strategy program, REMs, we as the
16	(Document review.)	16	manufacturer are required to submit certain data
	Okay.	17	in order to assess the program. You and your
	. All right. So this email well,	18	teams were identified as the resources to
	you turn to the second page of the document	19	provide the following."
	bottom, it's page 6711, there is an email	20	And then she says, "First, the number
	May Chan-Liston.	21	of suspicious orders detected and what the
	Yes.	22	outcome was" "and what was the outcome from
23 Q.	•	23	any investigation that occurred on those
24 A.	. Vague memory.	24	suspicious orders, order management, Mary Woods,
	Page 303		Page 304
1 and	then second, any loss or theft of product,	1	we would be able to review that for to
2 con	trolled substance compliance, Tom Napoli."	2	determine if there was an order that was deemed
3	And the rest of the emails going	3	suspicious for that product.
4 forv	vard in time are with you and her and the	4	Q. Would there be any statistics like
5 disc	bussion of the data she is seeking from you.	5	that kept by your or Mary Woods' office for any
6	Do you see that there?	6	reasons?
7	A. Um-hmm. Yes.	7	A. I would likely would have likely
8 (Q. And you ultimately find out from	8	maintained a file of suspicious order.
9 Mr.	Simmons that you had no theft/lost reports	9	Q. But beyond having the file itself,
	this product for this time period or during	10	would you have maintained on a regular annual
	other period.	11	basis a compilation of the number of suspicious
12	Do you see that?	12	orders that pended or were investigated and the
13	A. Yes.	13	results?
	Q. So thinking about the two things that	14	A. Orders of interest that pended
	Chan-Liston is asking for, the numbers of	15	Q. Yes.
	picious orders detected and what was the	16	A and that were investigated? I
_	come from any investigation that occurred on	17	don't have a recollection if that file existed.
	se suspicious orders, as you sit here today	18	Q. So let's okay. We'll mark
	1 your understanding of the Suspicious Order	19	Exhibit 23.
	nitoring System at Watson and then Actavis, is	20	
	a report that your group or Mary Woods'	21	(Napoli Exhibit 23, Document entitled "Customer Analysis and SOMS Overview
	up could generate?	22	Import/Export," Bates-stamped
	A. We would certainly we maintain the	23	
	of orders that were deemed suspicious, so	24	ALLERGAN_MDL_021477093 through 7110, marked for identification, as of this date.)
	accinct suspicious, so		for identification, as of this date.)

	Page 305		Page 306
1	BY MR. EGLER:	1	report before?
2	Q. Mr. Napoli, can you look at what's	2	A. I'm sure that I have. I don't have
3	been marked as Exhibit 23.	3	an distinct recollection at the time, but I'm
4	A. Sure.	4	sure that I've seen this.
5	Q. And for the record, I'll note, again	5	Q. I'll just tell you by the conventions
6	the first page has no Bates numbers on it.	6	of the metadata that appear on the first page,
7	The second page is	7	you are listed as the custodian for this
8	ALLERGAN_MDL_02147093 through 7110. When you're	8	document.
9	ready, could you tell me what this appears to	9	It wouldn't surprise you if you had
10	you to be.	10	seen this before, right?
11	(Document review.)	11	A. No, it would not.
12	A. This appears to be an outstanding	12	Q. So going into this report, on the
13	overview that the order Will Simmons put	13	first page, it says, "Customer analysis and SOMS
14	together, breaking down our controlled substance	14	overview."
15	ordering, customer activity, 2014 versus 2015,	15	Do you see that there?
16	which, again, just gives us more data for	16	A. Um-hmm.
17	analysis and keeps us more in touch with our	17	Q. And it states "import, export."
18	customers. You'll see, you know, details of who	18	Do you know what that means in the
19	our top customers were and how many active SKUs	19	context of this document?
20	that we have. Looks like we actually had less	20	A. Sure. Sure. Will also had
21	customers in 2015 than 2014, and you'll see also	21	responsibilities for the import and export of
22	distribution of order distribution, so by	22	controlled substances the import and export
23	custom by customers.	23	activities, so he would have been providing
24	Q. Do you remember ever seeing this	24	report out on that as well.
	Page 307		Page 308
1	Q. Can you turn to page 7095, which is	1	Q. I appreciate everybody has to take
2	this page (indicating)?	2	their time.
3	A. Yes.	3	And then the next one there,
4	Q. And can you, as you look at that	4	oxycodone/APAP.
5	chart, can you tell me what this appears to be?	5	In the context of that term, APAP,
6	What is it trying to convey?	6	what does that mean?
7	A. It's conveying the quantity of solid	7	VIDEOGRAPHER: Don't touch the
8	dosage units by product family that were shipped	8	microphone, please.
9	year over year.	9	THE WITNESS: I have a habit of
10	Q. And the first one that's listed there	10	grabbing my zipper.
11	is hydrocodone/APAP?	11	A. APAP is aspirin. I believe there's
12	A. Yes.	12	APAP and there's yeah, APAP is aspirin. So
13	Q. Is that right? And that is an	13	it's a combination product.
14	opioid; is that right?	14	Q. So this is oxycodone and aspirin, and
15	A. Correct.	15	again in 2015 400,495 solid dose units shipped,
16	Q. And it lists, "2015 shipments year to	16	which is down from 555,916 in 2014.
17	date as 1,155,204," and that's solid dose units,	17	The next one is oxycodone/HCL.
18	as you said?	18	A. Um-hmm.
19	A. Yes.	19	Q. What does HCL mean?
20	Q. And that's down from the prior year,	20	A. Hydrochloride. It's a single entity
21	which was 1,522,346; is that right?	21	oxycodone.
22	A. Actually 2015 is slightly up over	22	Q. Okay. So is that generic OxyContin?
23	2014. No, you're right. I'm sorry. It's late	23	A. No, that may be
	2 4 4 4 4 7 22 4		0 1 1
24	in the day, but yes, it is down.	24	Q. Is it generic Opana ER?

	Page 309		Page 310
1	A. I would say that that is likely	1	The first thing there is the CFR that
2	let me try to look down the list here, so I can	2	we've read before; is that right?
3	make more educated would be the oxycodone 10-	3	A. Um-hmm. Yes.
4	and 30-milligram immediate release product.	4	Q. And the second thing is a quote from
5	Q. So as opposed to a slow release or	5	Southwood Pharmaceuticals, Inc.
6	A. Yes.	6	A. Um-hmm.
7	Q longer acting pill?	7	Q. And that is from the Federal Record,
8	A. Correct.	8	is that right.
9	Q. So those shipments are up, 2015	9	Do you remember anything about the
10	shipments being 308,097 solid dose units as	10	Southwest Pharmaceuticals case?
11	opposed to just under 200,000 in 2014; is that	11	A. I do. I'm not up on all the details.
		12	I know it was a I don't want to call it a
12	right?	13	landmark case, but I know it was a significant
13	A. Correct.	14	
14	Q. So do you know why this information	15	case. I think that's probably where it was determined that relying on rigid formulas maybe
15	would have been collected?		, , ,
16	A. This is just giving us an annual year	16	appears may be setting a precedent, but
17	over year so we have an understanding of	17	that's
18	customer ordering behavior. Just, again,	18	Q. And then on the next page it states,
19	another tool that we can use at our disposal,	19	"SOM system" and states, "SAP system suspends
20	more less of a annual report.	20	orders based on" it has a number of things
21	Q. Then there's various other data on	21	there "class of trade, average" is it
22	the following pages. And as you go further into	22	"quantity/order"?
23	the document at 7099 it states at the top,	23	A. Um-hmm.
24	Suspicious Order Monitoring.	24	Q. And then "class of trade, average
	Page 311		Page 312
1	quantity ordered per month"?	1	Q. So then by 2015, is it fair to say
2	A. Um-hmm. Yes.	2	that Actavis, at this point, had not changed
3	Q. And "customer allowable quantity per	3	from the prior Watson automated system; is that
4	order and customer allowable quantity order per	4	right?
5	month"; is that right?	5	A. That's correct. I think what you can
6	A. Correct.	6	see here is the trajectory of enhanced Know Your
7	Q. And then it has other information,	7	Customer, as well as the seizing more
8	"System flagged, orders released based on	8	opportunities to use more data that is available
9	customer allowable quantity per month and	9	to us internally to give us a more holistic view
10	current month's order plus pending order" and	10	of our customers' ordering patterns.
11	then it says, "If less than allowable quantity	11	Q. All right. Going down into page 107
12	per month, release order. If more than	12	it states, "Additional Analysis."
13	allowable quantity per month, contact customer."	13	(Document review.)
14	Do you see that?	14	A. Yes.
15	A. Yes.	15	Q. And it says, "Chargeback" and it
16	Q. So the first part up there, "The SAP	16	has a paragraph about chargebacks. That says,
17	system suspends orders based on," is that the	17	"Monthly chargeback analysis performed for oxy
	-		
18	Buzzeo process?	18	and hydro products." It says, "Customers
19	A. No, that is a just a reiteration	19	purchasing large amounts from multiple
20	of the system we've been talking about.	20	distributors, more than two distributors, and
21	Q. Okay.	21	then in (primary, secondary, tertiary) and then
22	A. This presentation is an overview	22	analyze month-over-month trends to detect
	it's an overview of our it looks like a	23	pattern and then assist in violation" I'm
23			
23 24	walk-through of our system, of our process.	24	sorry "Assist in validation of SOMS orders."

	Page 313		Page 314
1	So is this the chargeback analysis	1	date.)
2	that we were talking about with Mr. Simmons in	2	BY MR. EGLER:
3	his annual review previously?	3	Q. Mr. Napoli, can you look generally at
4	A. Yes.	4	what's been marked as Exhibit 24. And as you're
5	Q. All right. And, again, as we talked	5	doing so, I'll note for the record that it's
6	about before, this would inform the decision	6	officially two pages long, acquired Actavis
7	about whether to clear or escalate an order that	7	0247, 6517 through 6518. But the second page,
8	had pended typically; is that right?	8	although it's one Bates number, is the
9	A. It could be used, yes, as a resource.	9	PowerPoint presentation that's printed out
10	Q. What else could it be used for?	10	behind there.
11	MR. KNAPP: Form.	11	Do you see that?
12	A. It could be used as a resource for	12	A. Sure.
13	conducting an investigation on a pending order,	13	Q. All right. And again in the way
14	but it can also be used as a statistical	14	these things are produced, the PowerPoint
15	analysis tool to to look for trends or	15	presentation was produced as one Bates number.
16	evaluate if these types of activities, for a	16	So as you look at this PowerPoint
17	forensic review-type of tool.	17	presentation and the emails that are there, the
18	Q. You can set this document aside.	18	email that's first in time comes from a person
19	I'll hand you what I'll mark as Exhibit 24.	19	named Ann, A-n-n, C., is it, Cipkins?
20	(Napoli Exhibit 24, Email chain	20	A. Yes.
21	beginning with email dated 7/31/14 from	21	Q. C-i-p-k-i-n-s.
22	Napoli to Simmons, Bates-stamped	22	Do you know Ms. Cipkins?
23	ACQUIRED_ACTAVIS_02476517 through 6518,	23	A. I do.
24	marked for identification, as of this	24	Q. Who is Ms. Cipkins?
	Page 315		Page 316
1	A. I don't know if she still is, but she	1	S, ampersand, OP means?
2	was the director of demand management for	2	A. Yes. It's an S&OP meeting. An S&OP
3	Actavis.	3	meeting is a common meeting that occurs in many
4	Q. As you think of it, what does demand	4	organizations, whether pharmaceutical or
5	management mean?	5	otherwise, and it's basically a sales and
6	A. Demand management is a group within	6	operations meeting and it's an opportunity to
7	our supply chain group and they would be a	7	for the folks on the sales and the commercial
8	liaison between understanding what the needs are	8	side to interface with the operation side to
9	- £ 41411 :4£:4141		
	of the customer, as well as interfacing with the	9	enhance communication. Again, to ensure that
10	sites that manufacture those projects and to	10	we that the organizations are on the same
10 11	sites that manufacture those projects and to help them to you know, to coordinate the	10 11	we that the organizations are on the same page, understanding, you know, things, if there
10 11 12	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be	10 11 12	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues
10 11 12 13	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative	10 11 12 13	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market,
10 11 12 13 14	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the	10 11 12 13 14	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone
10 11 12 13 14 15	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around	10 11 12 13 14 15	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and
10 11 12 13 14 15 16	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand.	10 11 12 13 14 15	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to
10 11 12 13 14 15 16	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand. So in order they may need to	10 11 12 13 14 15 16 17	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to work that into their plans to support the
10 11 12 13 14 15 16 17	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand. So in order they may need to prioritize certain products to manufacture	10 11 12 13 14 15 16 17	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to work that into their plans to support the manufacturing sites, et cetera.
10 11 12 13 14 15 16 17 18	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand. So in order they may need to prioritize certain products to manufacture during a certain time frame because to meet	10 11 12 13 14 15 16 17 18	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to work that into their plans to support the manufacturing sites, et cetera. Q. All right. So this presentation
10 11 12 13 14 15 16 17	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand. So in order they may need to prioritize certain products to manufacture during a certain time frame because to meet the demand.	10 11 12 13 14 15 16 17 18 19 20	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to work that into their plans to support the manufacturing sites, et cetera. Q. All right. So this presentation doesn't have page numbers. I'm going to hold up
10 11 12 13 14 15 16 17 18 19 20 21	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand. So in order they may need to prioritize certain products to manufacture during a certain time frame because to meet the demand. Q. All right. And she writes to a big	10 11 12 13 14 15 16 17 18 19 20 21	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to work that into their plans to support the manufacturing sites, et cetera. Q. All right. So this presentation doesn't have page numbers. I'm going to hold up a page to you and it states, "TU Summary (as of
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10 11 12 13 14 15 16 17 18 19 20 21 22	sites that manufacture those projects and to help them to you know, to coordinate the scheduling. So, essentially, she would be communicating or putting together data relative demand, communicating that with the site so the site can schedule their manufacturing around that to be able to meet that demand. So in order they may need to prioritize certain products to manufacture during a certain time frame because to meet the demand. Q. All right. And she writes to a big group of people including yourself, "Attached is	10 11 12 13 14 15 16 17 18 19 20 21 22	we that the organizations are on the same page, understanding, you know, things, if there have been bids awarded, if there are any issues where somebody is falling out of the market, identifying any opportunities, so that everyone has an understanding and is on the same page and can communicate that back, whether they need to work that into their plans to support the manufacturing sites, et cetera. Q. All right. So this presentation doesn't have page numbers. I'm going to hold up a page to you and it states, "TU Summary (as of 7/1)."

Page 317 Page 318 1 Q. And do you have an understanding of 1 Q. It states, "Business opportunities, 2 what this TU summary as of 7/1 is trying to 2 McKesson has confirmed the Rite-Aid award for 3 3 convey? oxy 15 milligrams and 30 milligrams beginning in 4 A. TU, I believe, is Temporarily 4 September." 5 5 Unavailable, and it's showing that because of --From the context of this document, 6 you see here a reason code, API issue, maybe 6 can you tell what that statement means? 7 7 there isn't enough API, maybe the API failed a A. Sure. That means that our customer 8 8 test that -- or again insufficient amount of API McKesson has confirmed with us that they've won 9 that we were not able to meet demands. So there 9 an award from Rite-Aid for the business for this 10 has been a cumulative loss in sales associated 10 particular -- for these particular SKUs and 11 with that. 11 they're reporting what the estimated annual 12 So this is really a callout to the 12 units will be for those products. 13 business as far as products where we have issues 13 Q. So -- go ahead. 14 that are temporarily unavailable. And of course 14 A. I was going to say, that's why you'll 15 management would want to always be kept abreast 15 see that Ann forwarded this onto my team because 16 of products that are temporarily unavailable and 16 it's a good source of intelligence for us. So 17 when we're going to get back to market with 17 now we can see we're getting advance 18 these products. 18 information, that, okay, we can anticipate that 19 Q. All right. And then there is another 19 we're going to see an increase in SOMS and 20 slide, and it's -- I think it's six pages from 20 volume on orders on these, and we can dig deeper 21 the end, or four pages from the end, it states 21 on this so we can be ready for when this occurs. 2.2 "Business Opportunities." It looks like this 22 Q. And going back to the first page, (indicating). 23 23 that's what you write to Mr. Simmons; is that 24 (Document review.) 24 right? Page 319 Page 320 A. I have seen this document. A. Yup. 1 1 2 Q. All right. 2 Did you write this document? Q. 3 A. So it's just another source of 3 Yes, sir. 4 intelligence to help us be more effective in 4 Q. Why did you write this document? 5 compliance. 5 A. I wrote this document as a means to Q. All right. You can set this document 6 6 get the Cegedim or Cegedim-Dendrite solution 7 aside. I'll hand you what we'll mark as 7 implemented. 8 Exhibit 25. 8 Q. At the bottom left-hand corner of the 9 (Napoli Exhibit 25, Actavis document 9 first Bates-stamped page, 253, it has the date 10 entitled "Project Continuation 10 February 19th, 2015. 11 Justification: SOM Statistical Model 11 A. Yes. 12 Development and Hosting 'in the Cloud'", 12 Do you remember writing this document Bates-stamped ALLERGAN MDL 03535253 13 13 around that time? through 257, marked for identification, as 14 14 A. It's very likely. of this date.) Q. Then on the second Bates-stamped 15 15 BY MR. EGLER: page, 254, the section that starts with: 16 16 17 Q. Mr. Napoli, can you look at 17 "Background." 18 Exhibit 25, and like the other ones today the 18 Do you see that? 19 first one has no Bates numbers and then the 19 A. Yes. 20 second page is ALLERGAN MDL 03535253 through 20 Q. The second full text paragraph, I'm 21 257. 21 just going to start reading it into the record. 22 And when you're ready, can you tell 22 It says, "Based on this compliance need, Cegedim 23 me if you've ever seen this document before. 23 did in fact develop and deliver a SOM 24 (Document review.) 24 statistical model to be incorporated into our

Page 321 Page 322 1 order management system within SAP. Due to 1 required to release a pended order that is under 2 2 successive acquisition activities since product review, affecting customer service/fill rate 3 3 initiation the implementation has been placed on levels." 4 hold at several junctures based on business 4 Do you see that there? 5 integration needs. During the past several 5 A. I do. Q. Did you write that? 6 years, DEA has become more aggressive in its 6 7 approach related to SOM/Know Your Customer 7 A. Yes, I did. 8 taking against" -- "taking action against a 8 Q. At the time that you wrote it, did 9 growing number of companies for having 9 you believe what you wrote there? 10 non-compliant SOM programs. In an effort to 10 MR. LUXTON: Objection to form. 11 ensure compliance with the regulations, both the 11 A. Yup, I do believe that those facts 12 C/S compliance, order management teams, have 12 are accurate. We did have -- we did have a 13 collaborated making efforts to enhance 13 compliance system, but we wanted to enhance our compliance from customer vetting, order 14 14 compliance to ensure that we were always 15 review/evaluation through 15 continually evolving it on the high ground. investigation/disposition. 16 16 Q. So above there you write, under 17 "This manual effort is very labor 17 background, "The SOM" -- "The SOM automation intensive, as the current system was not 18 18 project initially commenced in 2011 with the 19 configured with any analytical tools to support 19 primary goal of replacing our, quote, threshold, 20 timely and accurate decision making. This 20 unquote, based system with the CFR compliant 21 approach also introduces the element of human model developed by Cegedim. This project was 21 22 interaction into the order evaluation process. 22 initiated in an effort to ensure compliance with 23 "Additionally, the current process 23 the Code of Federal Regulations, SOM 24 can have an impact on the amount of time 24 requirements, controlled substances, 21 CFR Page 323 Page 324 1 put on hold and I don't believe that Teva chose 1301.74 b, as well as December 2007, DEA 1 2 2 to utilize it. memory." 3 3 Q. All right. So with regard to the --Do you see that? 4 A. I did. 4 this is -- so with regard to your 5 Q. When you wrote that in February 2015, 5 understanding -- well, with regard to your 6 did you believe that to be true? 6 understanding, Actavis never implemented the 7 7 cloud-based system that's discussed in this A. I did believe that Buzzeo had a 8 system that they were proposing that was 8 memo; is that right? 9 compliant with the CFR 9 A. That's correct. When Teva acquired 10 We also had one as well, but we 10 Actavis around this time frame they already had 11 wanted to move up to a more enhanced 11 their own program in place for Suspicious Order 12 sophisticated system. 12 Monitoring. 13 Q. So other parts of the -- this memo 13 Q. So this goes to the number of 14 talk about a suspicious order monitor --14 corporate transactions that took place -suspicious order monitor statistical model that 15 A. Right, right. 15 will be hosted, quote, in the cloud and based on 16 Q. You're describing the company as 16 17 Actavis's order data. 17 being bought by Teva. Part of what was Actavis, was purchased and closed on by Allergan. 18 18 A. Yes. 19 Q. Do you remember whether this 19 Do you have an understanding of that 20 cloud-based SOM statistical model was ever as well or some type of transaction occurred 20 21 adopted at Actavis? 21 between Allergan and Actavis; is that right? 22 22 A. Right. A. This system was created. We used it 23 in a test environment. We're happy with it. We 23 Q. Either Actavis bought Allergan or Allergan bought Actavis? 24 were subsequently acquired by Teva and it was 24

Page 325 Page 326 1 A. Actavis bought Allergan. 1 Q. All right. So looking at what I 2 Q. All right. And as far as you're 2 marked as Exhibit 26, can you page through it. 3 concerned -- well, during that process, when did 3 I'll read into the record. It's 4 you leave? 4 ALLERGAN MDL 03431731 through 1739. 5 5 A. I left around maybe October of 2016. If you look through this generally, 6 6 Sometime in the early fall of 2016. but I'm just going to ask you a few questions 7 7 about this. Q. So I'm going to hand you what we will 8 (Document review.) 8 mark as Exhibit 26. 9 A. Okay. 9 Q. Now I'll note for the record that the 10 last email that you're on the page appears on 10 (Napoli Exhibit 26, Email chain 11 the third page of this document, as I read it. 11 beginning with email dated 1/11/16 from 12 A. Um-hmm. 12 Baran to Russo with attachment, 13 (Document review.) 13 Bates-stamped ALLERGAN MDL 03431731 14 14 through 1739, marked for identification, as A. Okay. 15 Q. All right. Based on the emails that 15 of this date.) are here, do you remember around August 2015 16 16 BY MR. EGLER: 17 Actavis deciding to sell to Bell Medical again? 17 Q. Before we get to Exhibit 26, why did 18 MR. KNAPP: Objection to form. 18 you leave? 19 A. I do recall this series of emails and 19 A. I was laid off. 20 this situation. 20 Q. All right. 2.1 Q. All right. Did you have any input in 21 A. Because Teva already had a DEA 22 the decision whether to start selling controlled 22 compliance staff and program. I helped them 23 substances to Bell Medical around this time? 23 orient them with -- with our side of the 24 A. My input would have been from a DEA 24 business and was part of a reduction in force. Page 327 Page 328 compliance standpoint the -- you can see in this 1 A. I don't have a distinction 1 2 email string that there was -- both of our 2 recollection of it. 3 auditor investigators did a lot of due diligence 3 Q. All right. So now we have a couple 4 on this and also met personally, I believe, with 4 of exhibits that are out of order time-wise. 5 5 the individual from Bell Medical, in Marlboro, A. Okay. O. The first one we'll mark as 6 6 New Jersey. 7 And the reason why this stands out to 7 Exhibit 27. 8 me is that, you know, Actavis, we had a model 8 (Napoli Exhibit 27, Email dated 9 where we did not distribute direct to dispensing 9 11/13/13 from Kemnitzer to distribution 10 physicians. And in this case it was a case 10 list, Bates-stamped PPLPC020000735777 11 where we wanted to make sure that we did the 11 through 782, marked for identification, as 12 right amount of due diligence and understand and 12 of this date.) 13 monitor what the product -- it would only be one 13 MR. LUXTON: Thanks. BY MR. EGLER: 14 product, what the quantities would be, and they 14 were for these clinics -- Buprenorphine -- they 15 15 Q. Mr. Napoli, can you look at were for clinics to assist, I believe, addicts Exhibit 27. I'll note for the record, again, 16 16 17 with -- Buprenorphine was used for more -- for 17 it's not an Actavis or Allergan document. It's 18 heroin, I think. noted as PPLPC020000735777 through 782. The 18 19 Q. Did you ever do a site visit to the 19 last page is marked as nonresponsive. 2.0 20 Bell Medical facility? Can you look at this document and 21 21 A. I didn't, but I believe Will Simmons tell me if you ever remember receiving an email like this in November 2013. 22 22 may have. 23 Q. Did you ever talk with him about the 23 (Document review.) A. I don't have an exact recollection of 24 site visit that he did? 24

	Page 329		Page 330
1	this. This looks like an agenda for a New	1	And then under SOM programs it says,
2	Jersey Pharmaceutical Industry Group meeting.	2	"Is anyone auditing customers? If so, how?
3	Q. All right. So if you turn to the	3	(Site visits, questionnaires, et cetera)."
4	third page of this document, which is 5779	4	And then the second one is:
5	A. Yes.	5	"Computerized statistical models."
6	Q there is an email from Michael	6	Do you see that there?
7	Meggiolaro. It's M-e-g-g-i-o-l-a-r-o.	7	A. Yes.
8	A. Good job.	8	Q. Do you remember attending a New
9	Q. It's dated Thursday, November 7,	9	Jersey PIG meeting where SOM programs were
10	2013, at 5:09 p m.	10	discussed around November 2013?
11	Do you see that there?	11	A. I don't.
12	A. I do.		
13		12	Q. All right. You can set that one
14	Q. And he writes, apparently to a person	13	aside.
	named Lisa Butler. "Lisa, you are so good. I	1.4	(Witness complies.)
15	promised the update for all the topics yesterday	15	Q. I'm going to do this one as two
16	but didn't get to them. Here is what I had	16	separate exhibits. I'll hand you what we'll
17	received. You already added Susan Carr's, so I	17	mark as Exhibit 28 and 29.
18	don't have to add hers to the list."	18	(Napoli Exhibit 28, Email chain
19	And just to note, your name appears	19	beginning with email dated 1/14/16 from
20	on that email; is that right?	20	Lepore to Simmons, Bates-stamped
21	A. Yes.	21	ALLERGAN_MDL_01551062 through 1064, marked
22	Q. And it says, "Please update the	22	for identification, as of this date.)
23	agenda accordingly at 2014 quota letters" and	23	(Napoli Exhibit 29, Natively-produced
24	then number two is, "SOM programs."	24	Spreadsheet, Bates-stamped
	Page 331		Page 332
1	ALLERGAN_MDL_01551064.xlsx, marked for	1	suspension of various DEA licenses at McKesson
2	identification, as of this date.)	2	locations?
3	BY MR. EGLER:	3	A. I do recall that McKesson did have
4	Q. Mr. Napoli, can you look at what I've	4	some compliance issues and some subsequent
5	marked as Exhibits 28 and 29.	5	registration suspensions.
6	I'll tell you, for the record,	6	Q. And then in an email below, Victoria
7	although they are marked as two exhibits, they	7	Lepore writes to you and other people, "Hi, Will
8	are one email and one family as produced by the	8	and Tom, just want to keep you in the loop that
9	defendants in the case.	9	I found out the McKesson's DEA registration
10	A. Okay.	10	(Aurora, Colorado; Livonia, Michigan; Washington
11	Q. For the record, Exhibit 28 is	11	Court House, Ohio; and Lakeland, Florida) is
12	Bates-stamped ALLERGAN MDL 01551062 through	12	suspended for specified products and time
13	1064.	13	periods." And then she attaches a link and
14	And then 29 is a larger version of	14	other text.
15	page 1064, which is produced as an Excel file.	15	On the top email is what she refers
16	Can you look through it, and the	16	to as the HANA report for McKesson locations
17	question I have is: Do you remember receiving	17	that we shipped to from January 2015 to
18	this email?	18	January 2016.
19	A. I do not.	19	Do you see that?
20	Q. So this email that starts on the	20	A. Yup. Yes.
	first page of Exhibit 28 states: "Re McKesson	21	Q. Do you remember from your time
2.1	The page of Exhibit 20 states. The Mercesson		
21	DFA suspensions "	1 22	working at Actavic and Watcon the term HANA
22	De You remember around January 14	22	working at Actavis and Watson the term HANA
	DEA suspensions." Do you remember around January 14, 2016, when this email took place there was a	22 23 24	working at Actavis and Watson the term HANA report? A. HANA is a feature, a reporting

Page 333 Page 334 1 feature of SAP. 1 these things. 2 2 Q. All right. And so do you remember So we knew, because, you know, these 3 3 Ms. Lepore doing reports like this when you or investigations, as you know, can go on for 4 someone else asked for them at Watson and 4 years, and -- but the ultimate result was they 5 Actavis? 5 had a feeling that these facilities would have 6 A. I don't specifically have a lot of 6 licenses that would be suspended. So this is 7 7 experience with it, but then HANA was something something that we would have had knowledge of 8 8 that you can see by the time frame on there too, and planned around. 9 it was a recent addition to the SAP. So it 9 Q. Do you remember around this time, 10 wasn't a report we would have had access to for 10 January 2016, whether your group at Actavis 11 a long period of time. I would think that this 11 performed any analysis to determine whether any 12 report is generated so we could rationalize what 12 sales to these suspended McKesson locations were 13 quantities would be looking like for orders that 13 diverted? 14 would be, maybe, going to alternate distribution 14 A. It would be a challenge for us to do 15 centers for McKesson. 15 that from our level, to look at pharmacies to 16 This was not something that was a 16 determine what was diverted. That would be 17 surprise. McKesson had had some ongoing issues. 17 something that would be inherent to a DEA 18 They had since hired Gary Boggs as their chief 18 investigation. We don't even know what the time 19 of compliance, who was Joe Rannazzisi's deputy, 19 period is that they were looking at. So it 20 to come into the organization. 20 really would not be something that would be 21 I flew out to San Francisco and I met 21 realistic for us to perform. 22 with McKesson. There were many attorneys and 22 Q. Did you or anyone else that you know 23 compliance people to discuss their compliance 23 of at Actavis ask for that type of data from 24 program and to get an understanding of some of 24 McKesson around this time frame? Page 335 Page 336 1 1 A. What we did is we asked for a the record. 2 partnership meeting. That's why I traveled out 2 (Recess is taken.) 3 to San Francisco, because I wanted to -- I was 3 THE VIDEOGRAPHER: We are back on the 4 concerned and I wanted to get an overview and an 4 record. The time is approximately 5 understanding of their program and improvements 5 5:34 p m. BY MR. EGLER: 6 that they had made, and especially with bringing 6 7 on their new head of compliance, to understand 7 Q. Mr. Napoli, you understand you are 8 that we had a level of confidence in their 8 still under oath. 9 program going forward. 9 A. Yes, sir. 10 Q. And as part of that partnership 10 Q. So do you identify yourself as ever 11 meeting or other parts of the relationship, do 11 having worked for an entity called Allergan? 12 you remember asking or do you remember anyone 12 A. Yes. 13 from Actavis asking for data about whether 13 Q. For about how long did you work at 14 materials sold to these McKesson locations was 14 Allergan? A. I'm trying to think. Actavis 15 subsequently diverted? 15 A. I don't recall and I don't know how 16 acquired Allergan. I'm trying to think of when 16 17 that would be accessible to us. 17 at the time Actavis acquired Allergan and then Q. All right. But you don't recall 18 Allergan... 18 19 asking for it one way or the other? 19 Q. Well, let me put it this way, was it A. No, I don't. 2.0 less than a year? 20 21 Q. All right. 21 A. Probably more than a year. 22 Q. So at the time that you worked for MR. EGLER: Let's take a quick break. 22 23 THE VIDEOGRAPHER: The time is 23 Allergan, did -- as you think of it, in your 24 approximately 5:25 p m. We are going off 24 estimation, did Allergan still own the generics

Page 337 Page 338 1 that they subsequently sold to Teva? 1 A. I would have been part of the Teva 2 MR. KNAPP: Objection to form. 2 acquisition, so I would no longer have been with 3 Foundation. 3 Allergan. 4 MR. LUXTON: Same. 4 Q. So with regard to any Suspicious 5 A. I don't know how they -- you know, 5 Order Monitoring System that Allergan had in 6 Allergan and Actavis were the -- are the same 6 place after the sale to Teva, you wouldn't have 7 company, but I don't know how the structure, the 7 had anything to do with that; is that correct? 8 parent structure. 8 A. Correct. 9 Q. I understand this and I'm trying to 9 MR. EGLER: I have no further 10 ask in a very general way. So maybe you'll let 10 questions. 11 me ask it a different way. 11 THE VIDEOGRAPHER: Anyone else has 12 So you have an understanding that 12 questions. 13 after either Allergan or Actavis sold the 13 MR. KNAPP: I have a few questions. 14 generics to Teva, that there were still some 14 Do I need to get a microphone? 15 controlled substances manufactured or owned by 15 THE VIDEOGRAPHER: Yes, you can have the Allergan entity? 16 16 that microphone. 17 A. Yes. 17 **EXAMINATION BY** Q. And do you remember whether -- when 18 18 MR. KNAPP: 19 that occurred, you were still working there? 19 Q. Good afternoon, Mr. Napoli, my name 20 A. When what occurred? 20 is Tim Knapp. I'm with the firm of Kirkland & 21 Q. When the -- after the generics all 21 Ellis and I represent Allergan in this matter. 22 left, but there was still some controlled 2.2 In response to some questions that 23 substances owned by Allergan. 23 Mr. Egler asked you, you testified about 24 MR. KNAPP: Form. 2.4 reporting an order from TopRX to the DEA. Page 339 Page 340 Do you recall that? 1 from us and we determined that they were high 1 2 2 risk due to distributions that they were making A. Yes, I do. 3 Q. I know it's been, you know, five 3 in the State of Florida and other states. Some 4 years or so since you've left Actavis, Watson, 4 of their customers were questionable, so we 5 but do you recall sitting here today, recall 5 denied them and also reported them to the DEA 6 reporting any other orders or customers to the 6 because we felt it was -- they were that much of 7 7 DEA during the time that you worked on a risk. Q. Now when you say "we reported to the 8 Suspicious Order Monitoring at Actavis or 8 9 Watson? 9 DEA," who specifically are you referring to? 10 10 A. I specifically reported that to the A. I do. 11 Q. And what are those entities that you 11 DEA to -- the company was based out of Long 12 recall? 12 Island, so I reported to Richard Springer, who 13 A. I know Capital Wholesale was one of 13 is the diversion chief in the Long Island them. And I'm -- there were several others, but 14 14 I'm hard-pressed to recall them, but there were 15 15 Q. And with respect to TopRX, did you additional organizations other than TopRX and personally report them to the DEA? 16 16 17 Capital that we did report. 17 A. Yes. 18 We also did some preemptive reporting 18 Q. And do you recall who you reported 19 to the DEA as well, too. After the acquisition 19 TopRX to? 2.0 A. Yes. That would have been Tim Lenzi of Actavis, we had a customer that wanted to 20 21 come on board with us. Quality King. It was a 2.1 in the Chicago DEA field office. company out of New York, and we did a review of 2.2 22 Q. And then what about Capital 23 them. We asked for their customer information. 23 Wholesale, did you personally report them to the what products they were interested in purchasing 24 24 DEA?

Page 341 Page 342 1 A. Yes. It would have been the same. 1 promethazine with codeine, which was a cough 2 Q. And when you say it's the same, who 2 preparation that contained codeine, that was --3 3 did you report to? actually became popularized within the Houston 4 A. To Tim Lenzi, DEA field office, 4 area Rap culture. It was a high abuse product; 5 Chicago. 5 it was referred to as the purple drink, and 6 Q. Now Mr. Napoli, you also spoke quite 6 Actavis was referenced in the social media in 7 a bit with Mr. Egler about issues associated 7 different capacities in a very negative light 8 with diversion of controlled substances. 8 because of this product, and our company decided 9 We talked a lot about Suspicious 9 that that product was not worth the risk 10 Order Monitoring System today. 10 associated with it. So we discontinued the 11 I just want to ask you, generally, 11 entire product. 12 were there any other efforts that you undertook 12 So I thought that was a proactive 13 or that the company undertook while you were at 13 step and actually the DEA actually recognized 14 Watson, Actavis, Allergan to increase awareness 14 that as well as a positive effort to combat 15 associated with potential diversion of 15 diversion. controlled substances? 16 16 I also initiated a program called, It 17 A. Yes. First, I'd like to say that I'm 17 Starts With Me, which was a program that engaged 18 actually -- I'm proud of my tenure in the 18 our employee population throughout our entire 19 position that I served in. I felt that I made a 19 U.S. region regarding the abuse of the opioids 20 difference and it was always our goal to ensure 20 that have been going on with the United States, 21 that we were complying and did the right thing. 21 engaging our employees to raise the level of 22 One of the things that I was proud of 22 awareness but also to get socially engaged. 23 and that the company did was after the Actavis 23 We partnered with a -- and sponsored 24 acquisition, there was a product called 24 a group called Young People in Recovery, and Page 343 Page 344 1 that group, we supported their chapters 1 2 throughout the U.S. financially and with any 2 3 type of support. We had a lot of our employees 3 4 who did fundraising for these organizations, and 4 THE WITNESS: Thank you. 5 it was individuals who -- again, who in their 5 THE VIDEOGRAPHER: The time is 6 teens and 20s who had issues and struggles with 6 approximately 5:42 p m. and this concludes 7 7 opioids and that were turning things around, and the deposition. 8 we were very proud to support that program, as 8 9 well as supporting law enforcement in providing, 9 10 take-back receptacles to multiple jurisdictions 10 11 as well, too. 11 12 So, again, just very proud of a lot 12 THOMAS P. NAPOLI 13 of the work that we did, not only to ensure 13 14 compliance within our work communities but also 14 15 in the communities in which we live. Subscribed and sworn to before me 15 16 MR. KNAPP: I have nothing further. this day of 16 2019. 17 Thank you very much. 17 18 MR. EGLER: I have nothing else. 18 19 (Continued on following page to 19 20 include jurat.) 20 21 21 22 22 23 23 24 24

	Page 345		Page 340	6
1	CERTIFICATE	1	INDEX	
2	CERTIFICATE	2	TIVEEN	
3	STATE OF NEW YORK)		WITNESS PAGE	
4	: ss.	3	THOMAS P. NAPOLI	
5	COUNTY OF WESTCHESTER)	4	MR. EGLER 9	
6	COUNTY OF WESTCHESTER)	5	MR. KNAPP 339	
7	I, ANNETTE ARLEQUIN, a Notary Public	6	INDEX OF EXHIBITS	
8	within and for the State of New York, do	7	ALLERGAN-NAPOLI EXHIBITS PAG	ìΕ
9	hereby certify:			
10	That THOMAS P. NAPOLI, whose deposition	8	Napoli Exhibit 1, Memo dated 24 11/13/08, Bates-stamped 24	
11	is hereinbefore set forth, was duly sworn	9	ALLERGAN MDL 03535130 through 5133	
12	by me, and that the transcript of such			
13	depositions is a true record of the	10	Napoli Exhibit 2, NJPIG Charter 48 Statement, Bates-stamped	
14	_	11	HDS_MDL_00095906 through 5907	
15	testimony given by such witness. I further certify that I am not related	1.0	N. PRINCE P. B. C.	
16	to any of the parties to this action by	12	Napoli Exhibit 3, Cegedim-Dendrite 55 document dated 10/21/08,	
17	blood or marriage; and that I am in no way	14	Bates-stamped ALLERGAN_MDL_03535009	
18	interested in the outcome of this matter.	15	through 010	
19	IN WITNESS WHEREOF, I have hereunto set	16 17	Napoli Exhibit 4, Email chain 57	
20	my hand this 17th day of January 2019.	18	beginning with email dated 6/8/09	
21	my hand this 17th day of January 2017.	19	from Woods to Napoli, Bates-stamped	
22		20 21	ALLERGAN_MDL_ 02467143 through 154	
23	ANNETTE ARLEQUIN, CCR, RPR, CRR, CLR	22	Napoli Exhibit 5, Document entitled 91	
24	This DITE THE EQUITY, COLY, IN IN, CHILL, CELL	23	"Customer Communication for SOMS," ALLERGAN MDL 03738524 through 8528	
		2 4	ALLENGAN_MDL_03/36324 ullough 6326	
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2	Napoli Exhibit 6, Email dated 2/2/10 103	2	Napoli Exhibit 13, Document entitled 218	
3	from L. Scott to T. Napoli with	3	"controlled Substance Awareness:	
4	attachment, ALLERGAN_MDL_ 01236063 through 6094	4	Understanding the Threat," Bates-stamped ALLERGAN MDL 02054999	
5	Napoli Exhibit 7, Email chain 138	1	through 5022	
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6	from S. Soltis to Napoli, Bates-stamped ALLERGAN MDL 01236097	6	7/20/11 from NJPIG Committee to	
7	and 6098	7	Rannazzisi, Bates-stamped ENDO-OPIOID MDL-02219848 through	
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9	beginning with email dated 4/29/10 from L. Scott to Napoli,	8	Napoli Exhibit 15, Watson document 239	
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